

***United States Court of Appeals
for the Second Circuit***



APPENDIX

77-6072

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

DONNA LEARY, JAMES LEARY, BERNICE HENRIKSEN, MARY JANE
WAGNER, CHARLES SMITH, FRANCES AGNELLO, JOSEPH PARELLA,
WILLIE MATHIS, individually and on behalf of all others
similarly situated; PHOENIX UNLIMITED, an unincorporated
association,

Plaintiffs - Appellants,

-VS-

HETTY JEAN CRAPSEY, HAROLD A. SHAY, JAMES WHITE, JOHN J.
PETROSSI, DWIGHT VAN DEVATE, THOMAS E. McGRATH, ROBERT D.
WATERMAN, WILLIAM E. HANSON, Individually and in their
Official Capacity as Commissioners of the Rochester-
Genesee Regional Transportation Authority; JOHN GARRITY,
Individually and in his Official Capacity as Resident
Manager of the Regional Transit Service, Inc.; WILLIAM T.
COLEMAN, JR., individually and in his Capacity as
Secretary of the United States Department of Transportation;
ROBERT E. PATRICELLI, individually and in his Capacity as
Administrator of the United States Urban Mass Transporta-
tion Administration; and their agents, employees,
successors in office, assistants and all persons acting in
concert or cooperation with them or at their direction or
under their control,

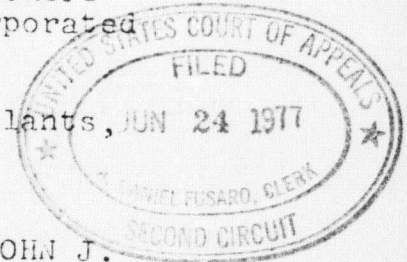
Defendants - Appellees

APPENDIX

Submitted by:

MONROE COUNTY LEGAL ASSISTANCE
CORPORATION

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PLAINTIFFS

LEARY, Donna
 LEARY, James
 HENRIKSEN, Bernice
 WAGNER, Mary Jane
 SMITH, Charles
 AGNELLO, Frances
 PARELLA, Joseph
 MATHIS, Willie
 individually and on behalf of all
 others similarly situated
 PHOENIX UNLIMITED, an unincorporated
 association

DEFENDANTS

CRAPSEY, Hetty Jean
 SHAY, Harold A.
 WHITE, James
 PETROSSI, John J.
 VanDeVATE, Dwight
 McGRATH, Thomas E.
 WATERMAN, Robert D.
 HANSON, William E., Individually
 & in their official capacity as
 Commissioners of the Rochester-
 Genesee Regional Transportation
 Authority

CAUSE

§794;

Access:

Monro:

GARRITY, John, Individually and in
 his official capacity as Resident
 Manager of the Regional Transit
 Service, Inc.
 COLEMAN, William T. Jr., individually
 and in his capacity as Sec. of the U.
 S. Department of Transportation
 PATRICELLI, Robert E., individually
 & in his capacity as Administrator
 of the U.S. Urban Mass Transportation
 Administration
 and their agents, employees,
 successors in office, assistants
 and all persons acting in concert
 or cooperation with them or at
 their direction or under their
 control

ATTORNEY

Marianne Artusio, Esq.
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 80 West Main Street
 Rochester, New York 14614

Rochester, New York 14614

United States Attorney

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CHECK HERE CASE WAS FILED IN FBI PHOENIX	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	
				JS-6	

DATE	NR.	PROCEEDINGS
1976		
July 2	1	Filed complaint.
2		Issued summons and 10 copies
2		JS 5 made
30	2	Filed Defts'., Crapsey, Shay, White, Petrossi, Van De Vate, McGrath, Waterman, Hanson & Garrity, affidavit, motion to adjourn deposition of John Garrity, etc., & Order to Show Cause-ret. 9-13-76, and adjourning deposition-Burke, DJ (notice & copy to Ms. Artusio, notice to Mr. Braunsdorf) F-178
Aug. 3	3	Filed summons & Mar. ret. on S&C served on John Garrity & James White 7-8-76; John J. Petrossi 7-22-76; Harold A. Shay 7-29-76; Hetty Jean Crapsey, Dwight VanDeVate, Thomas E. McGrath,, Robert D. Waterman, William E. Hanson 7-20-76; Robert E. Pattricelli 7-12-76; William T. Coleman, Jr. 7-12-76.
9	4	Filed stipulation & order extending time for defts., Crapsey, Shay, White, Petrossi, VanDeVate, McGrath, Waterman, Hanson, & Garrity to answer to 8-30-76-Clerk
20	5	Filed Mar. ret. on S&C served on U.S. Atty. 8-13-76 & Atty. Gen. of U.S. by cert. mail on 8-16-76
21	6	Filed Defts., Crapsey, Shay, White etc. notice of motion & motion to dismiss or for summary judgment etc. ret. 9-13-76.
Sept. 13		Filed Pltfs'/ affidavit in opposition to Defts'. motion to dismiss or in the alternative for summary judgment.
13		" Pltfs'. affidavit in opposition to Defts'. motion to enlarge time to respond to Pltfs'. cross motion to compel defts. to comply with the notice to take deposition.
13		" Defts'., Coleman and Patricelli, motion to dismiss or in the alternative for summary judgment.
13		Order to show cause to adj. deposition of John Garrity. Injunction against discovery continued until motion decided. Motions by Defts. to dismiss or for summary judgment. To be submitted Oct. 18-76
29		Filed Defts., Crapsey, Shay, White, Petrossi, Van DeVate, McGrath, Waterman, Hanson & Garrity supplemental affidavit in response to pltfs' atty's. affidavit in opposition.
Dec. 17 1977		Filed Pltfs'. Affidavit
Apr. 1		Filed Decision & Order granting all defts. summary judgment F-187 dismissing the action in its entirety-Burke, DJ Notice & copies to Marianne Artusio; Harris, Beach, Wilcox, Rubin & Levy and U.S. Atty.
1		Filed Judgment on Decision by the Court-Clerk Notice & copies to Marianne Artusio; Harris, Beach, Wilcox, Rubin & Levy and U.S. Atty.
1		JS 6 made
25		Filed at Roch. Pltfs'. Notice of Appeal (copy mailed 4/26/77 to Mr. Braunsdorf and U.S. Atty. and to Clerk, CCA with copy of docket entries; CCA's Forms C and D mailed to Ms. Artusio and Mr. Braun)
May 13		Original papers, docket entries and Clerk's certificate mailed to Clerk, CCA

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONNA LEARY, JAMES LEARY, BERNICE HENRIKSEN,
MARY JANE WAGNER, CHARLES SMITH, FRANCES
AGNELLO, JOSEPH PARELLA, WILLIE MATHIS,
Individually and on Behalf of all Others
Similarly Situated; PHOENIX UNLIMITED, an
Unincorporated Association,

Plaintiffs,

-vs-

HETTY JEAN CRAPSEY, HAROLD A. SHAY, JAMES
WHITE, JOHN J. PETROSSI, DWIGHT VAN DE VATE,
THOMAS E. McGRATH, ROBERT D. WATERMAN,
WILLIAM E. HANSON, Individually and in Their
Official Capacity as Commissioners of the
Rochester-Genesee Regional Transportation
Authority; JOHN GARRITY, Individually and
in his Official Capacity as Resident Manager
of the Regional Transit Service, Inc.;
WILLIAM T. COLEMAN, JR., Individually and
in his Capacity as Secretary of the United
States Department of Transportation; ROBERT
E. PATRICELLI, Individually and in His
Official Capacity as Administrator of the
United States Urban Mass Transportation
Administration; and their Agents, Employees,
Successors in Office Assistants and all
Persons acting in Concert or Cooperation
with them or at their Direction or Under
their Control,

Defendants.

Civil No. 76-286

COURT OF APPEALS

Docket No. 77-6072

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONNA LEARY, JAMES LEARY, BERNICE HENRIKSEN,
MARY JANE WAGNER, CHARLES SMITH, FRANCES AGNELLO,
JOSEPH PARELLA, WILLIE MATHIS,
individually and on behalf of all others similarly
situated; PHOENIX UNLIMITED, an unincorporated
association,

Plaintiffs,

-VS-

HETTY JEAN CRAPSEY, HAROLD A. SHAY, JAMES WHITE,
JOHN J. PETROSSI, DWIGHT VAN DE VATE, THOMAS E.
McGRATH, ROBERT D. WATERMAN, WILLIAM E. HANSON,
individually and in their official capacity as
Commissioners of the Rochester-Genesee Regional
Transportation Authority; JOHN GARRITY, individ-
ually and in his official capacity as Resident
Manager of the Regional Transit Service, Inc.;
WILLIAM T. COLEMAN, JR., individually and in his
capacity as Secretary of the United States Depart-
ment of Transportation; ROBERT E. PATRICELLI, in-
dividually and in his capacity as Administrator of
the United States Urban Mass Transportation Admin-
istration; and their agents, employees, successors
in office, assistants and all persons acting in
concert or cooperation with them or at their direc-
tion or under their control,

Defendants.

COMPLAINT

(Equitable
Relief
Sought)

Civil Action
File No.:

1. This is an action for declaratory and injunctive relief on behalf of mobility-handicapped individuals who have been denied access to transportation services provided by the Rochester-Genesee Regional Transportation Authority (hereafter RGRTA), and its subsidiary operating corporation, Regional Transit Service, Inc. (hereafter RTS), in violation of the Urban Mass

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Transportation Act, as amended, 49 U.S.C. §§ 1601 et seq.; the Rehabilitation Act of 1973, 29 U.S.C. § 794; the Department of Transportation and Related Agencies Act, P.L. 93-391, § 315 (1975); the Civil Rights Act, 42 U.S.C. § 1983; and the Fifth and Fourteenth Amendments to the United States Constitution.

JURISDICTION

2. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331(a), 1337, 1343, 1361 and 5 U.S.C. § 702. The amount in controversy exceeds Ten Thousand Dollars (\$10,000.00), exclusive of costs and interest. This action and the relief sought herein is authorized by 49 U.S.C. §§ 1601 et seq., 29 U.S.C. §§ 701 et seq., P.L. 93-391 (1975), 42 U.S.C. § 1983, and amendments thereto, and by the regulations promulgated thereunder. Declaratory relief is also sought under 28 U.S.C. §§ 2201 and 2202.

PARTIES

3. Plaintiff DONNA LEARY is a 31-year-old citizen residing at 58 Lysander Drive, Rochester, New York. Afflicted with polio at an early age, she is confined to a wheelchair and is unable to use the transportation facilities provided by the RCRTA and RTS. Plaintiff DONNA LEARY is unable to operate an automobile and must rely entirely on her co-plaintiff husband, James Leary, for transportation to and from her place of employment, and cultural, social or governmental activities. Specifically, Plaintiff DONNA LEARY and her husband transport themselves

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with a van-type vehicle specially equipped with a hydraulic lift so that wheelchair-confined persons can board and exit. The lift mechanism often breaks down and requires constant repairs and maintenance. When the lift is inoperative, Plaintiff DONNA LEARY cannot move about the city because there is no accessible public transportation at her disposal.

4. Plaintiff JAMES LEARY is a 29-year-old citizen residing at 58 Lysander Drive, Rochester, New York. He is confined to a wheelchair as he is a victim of polio, and is unable to use the transportation facilities provided by RGRTA and RTS. Plaintiff JAMES LEARY owns and operates the specially equipped van-type vehicle mentioned in paragraph "3" above. To rely solely on this means of transportation to reach his place of employment and cultural, social, or governmental activities is extremely burdensome for him because the operating and maintenance costs for the van are high and because there are frequent breakdowns in the lift mechanism. Without his van, Plaintiff JAMES LEARY has no means to move about the city since there is no accessible public transportation at his disposal.

5. Plaintiff BERNICE HENRIKSEN is a 67-year-old citizen residing at the Monroe Community Hospital, 435 East Henrietta Road, Rochester, New York. Because she has multiple sclerosis and is confined to a wheelchair, she is unable to use the transportation facilities provided by the RGRTA and RTS. Plaintiff HENRIKSEN cannot operate an automobile and desires but

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is unable to reach places of employment, and educational, cultural, social, or governmental activity unless she manages to obtain a ride from a friend, or an employee of Monroe Community Hospital. Although she desires to leave the Hospital more often, she has been able to get out of the Hospital only once every six or eight weeks because there is no public transportation that is accessible to her.

6. Plaintiff MARY JANE WAGNER is a 25-year-old citizen residing at 7 North Goodman Street, Rochester, New York. She is confined to a wheelchair, having been stricken with cerebral palsy at birth, and is unable to use the transportation facilities provided by the RGRTA and RTS. Plaintiff WAGNER cannot operate an automobile and desires but is unable to reach places of employment, educational, cultural, social, or governmental activity. She is presently attending an Adult Basic Education Course at Monroe Community Hospital for which special non-public transportation is provided.

7. Plaintiff CHARLES SMITH is a 29-year-old citizen residing at 7 North Goodman Street, Rochester, New York. Plaintiff SMITH is confined to a wheelchair, having been stricken with cerebral palsy at birth, and is unable to use the transportation facilities provided by the RGRTA and RTS. Plaintiff SMITH cannot operate an automobile and desires but is unable to reach places of employment and education, cultural, social, or governmental activity. Before his father became seriously ill, Plaintiff SMITH

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ally was transported by his father.

8. Plaintiff FRANCES AGNELLO is a 39-year-old citizen residing at 15 Lynbrook Drive, Rochester, New York. She cannot move about without crutches because her legs are paralyzed and have been since birth, when she was afflicted with spina bifida. Plaintiff AGNELLO does not have access to the mass transit vehicles of the RGRTA and RTS because the doorways of the buses are too narrow for a person to pass through on crutches. Furthermore, the height of the steps on these buses is too great to allow a person on crutches to board. Plaintiff AGNELLO cannot operate an automobile and desires but is unable to reach places of employment and education, cultural, social, or governmental activity. She must rely on her relatives for transportation.

9. Plaintiff JOSEPH A. PARELLA, JR. is a 25-year-old citizen residing at 364 Merchants Road, Rochester, New York. Plaintiff PARELLA is confined to a wheelchair, having been afflicted with muscular dystrophy since birth, and does not have access to the mass transit vehicles operated by RGRTA and RTS. Plaintiff PARELLA cannot operate an automobile and must rely entirely on his two brothers for transportation to his place of employment, and places of cultural, social, or governmental activity. Plaintiff PARELLA pays approximately \$30.00 per week to his brothers for gas and maintenance costs for the use of their vehicles.

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10. Plaintiff WILLIE MATHIS is a 30-year-old citizen residing at 67 Sidney Street, Rochester, New York. Plaintiff MATHIS is paralyzed and therefore confined to a wheelchair, having been seriously injured in an automobile accident several years ago, and does not have access to the mass transit vehicles operated by RGRTA and RTS. Plaintiff MATHIS cannot operate an automobile and must rely entirely on his family for transportation to places of employment, and cultural, social, or governmental activity.

11. Plaintiffs DONNA LEARY, JAMES LEARY, HENRIKSEN, WAGNER, SMITH, PARELLA, AND MATHIS are mobility-handicapped in that they are not able to use their legs to convey themselves from place to place but are totally dependent on a wheelchair for their personal conveyance. In such wheelchairs they are unable to perform such maneuvers as ascending or descending steps and curbs, making turns in passageways which are less than 54 inches in diameter or entering doorways less than 32 inches in width.

12. Plaintiff AGNELLO is mobility-handicapped in that she is not able to use her legs to convey herself from place to place but is totally dependent on crutches for her personal conveyance. On crutches she is unable to perform such maneuvers as ascending and descending steps when the height of each step is greater than five inches, or entering doorways less than 30 inches in width.

13. PHOENIX UNLIMITED (Phoenix), an unincorporated

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association, is composed of physically handicapped persons actively dedicated to broadening the employment, educational, and social opportunities of handicapped persons. Phoenix also actively advocates on behalf of handicapped persons the removal of any and all barriers to obtaining gainful employment, including transportation barriers. Lastly, Phoenix is a consumer advocate on behalf of the handicapped community.

14. Defendants CRAPSEY, SHAY, WHITE, PETROSSI, VAN DE VATE, McGRATH, WATERMAN AND HANSON (hereinafter referred to as Commissioners) are adult residents of either Monroe or Genesee Counties, New York, and are the Commissioners of the RGRTA. In their capacity as Commissioners of the RGRTA they are responsible for the operation and maintenance of the public transit system in Monroe and Genesee Counties pursuant to New York Public Authorities Law, §§ 1299-aa et seq., and, in such capacity, they have been, are presently, and will continue to be acting under color of authority and the law of the State of New York.

15. Defendant WILLIAM T. COLEMAN, JR., is the Secretary of the United States Department of Transportation (hereafter USDOT). In his capacity as Secretary, he is responsible for the administration of the Urban Mass Transportation Act of 1964, 49 U.S.C. §§ 1601 et seq., including the approval of applications for federal grants under that Act. He is also responsible for the dispersal of funds under the Department of Transportation and Related Agencies Act, P.L. 93-391 (1975).

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16. Defendant ROBERT E. PATRICELLI is the Administrator of the Urban Mass Transportation Administration (hereafter UMTA) of the Department of Transportation. In his capacity as Administrator, he is responsible for the administration of the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. §§ 1601, et seq., including the approval of applications for federal grants under that Act.

17. Defendant JOHN GARRITY is the Resident Manager of the Regional Transit Service, Inc. In his capacity as Resident Manager, he is responsible for carrying out the daily operations, policies and administration of the RTS.

18. Defendants are sued individually and in their official capacities. Relief is also sought against their agents, employees, successors in office, assistants and all other persons acting in concert or cooperation with the named defendants or at their direction or under their control.

CLASS ACTION

19. Plaintiffs bring this action on their own behalf, and, pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure, on behalf of all mobility-handicapped persons in Monroe County who have been, are being, and will continue to be denied reasonable access to the public mass transportation system in Monroe County. With respect to this class:

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that joinder of all members is impracticable. On information and belief, there are more than 3,000 persons in Monroe County who are mobility-handicapped;

(b) There are questions of law and fact common to this class, namely, whether defendants are violating the Constitution and laws of the United States by denying handicapped persons access to public transportation throughout Monroe County;

(c) The claims of the named plaintiffs are typical of the claims of the class, namely, that defendants Commissioners and GARRITY have applied for, received and expended, and Defendants COLEMAN and PATRICELLI have approved and granted, federal funds, in violation of the laws referred to herein, and that defendants Commissioners and GARRITY are operating a public transportation system financed in part with federal funds without making such system accessible to the mobility-handicapped, and that such actions have violated the rights of the members of the class.

(d) The named plaintiffs will fairly and adequately protect the interests of this class; and

(e) The defendants have acted and refused to act on grounds generally applicable to this class, thereby making appropriate final injunctive or corresponding declaratory relief with respect to the class as a whole.

FACTUAL ALLEGATIONS

20. On information and belief, on July 28, 1975, RGRTA submitted an application, number NY 030064 (hereafter, Application for a grant from UMTA for the purpose of purchasing 46 new passenger buses. The Application was made under the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. §§ 1601, et seq.

21. On information and belief, defendant PATRICELLI, as administrator of UMTA, and on behalf of USDOT, notified RGRTA in August, 1975 that the Application was approved.

22. On information and belief, federal financial assistance will provide 80% of the costs of the project while non-federal sources provide the remaining 20% of the costs of the purchase.

23. On information and belief, RGRTA has ordered and received 46 new buses from a bus manufacturer known as FMC Inc. pursuant to the approved UMTA Application.

24. On information and belief, none of the 46 buses purchased are designed, constructed or modified so as to be accessible to persons with mobility-handicaps.

25. Although the new buses have a device that lowers the boarding steps closer to the ground (called the "kneeling" feature), the mobility-handicapped who require wheelchairs and

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crutches to ambulate will still not be able to board these buses.

26. At present, on information and belief, of the 235 buses operated by RGRTA and RTS, only four are equipped with wide doors and lifts so as to be fully accessible to the mobility-handicapped.

27. Furthermore, pursuant to RGRTA and RTS policy, these four accessible vehicles will pick up passengers only in limited areas of the county (namely, the Rochester suburbs of Greece and Irondequoit) and will drop off passengers at only the following 12 destinations: Midtown Plaza, Strong Memorial Hospital, Rochester General Hospital, Al Sigl Center, Rochester Psychiatric Center, Veterans Administration, Monroe County Department of Social Services, Monroe Developmental Center, Association for the Blind, Rochester Mental Health Center, Inc., and Monroe Community Hospital.

28. The waiting time to be picked up is substantially longer, and the cost to ride is markedly higher, for the four accessible vehicles when compared to conventional bus transportation in Monroe County. As a result, the plaintiffs herein do not have fully accessible public transportation.

29. On information and belief, aside from the four accessible buses owned and operated by defendants Commissioners and GARRITY, no plans or efforts have been made by these defendants to make the public mass transit system operated in Monroe

County accessible to mobility-handicapped persons either through the modification of existing vehicles, the purchase of new vehicles, or the development or purchase of any alternate services.

30. To the contrary, on information and belief, defendants Commissioners and GARRITY have obtained Defendants PATRICELLI's and COLEMAN's approval on an application submitted for federal funds to purchase 23 additional non-accessible buses (with the "kneeling" feature) every year for the next three years, for a total of 69 non-accessible buses by 1981.

31. On information and belief, 23 of the buses referred to in paragraph "30" herein have been ordered and shall be delivered to RTS and RGRTA in 1976.

32. Plaintiffs have the same transportation needs as do most of the non-mobility handicapped citizens in Monroe County. Yet, plaintiffs are and will be excluded from utilization of the public transit system solely by reason of their mobility handicaps.

33. Unless defendants are compelled to take affirmative action to make the system accessible, plaintiffs will continue to be effectively prohibited from utilizing the transit system of Monroe County.

34. Denial of utilization of the transit system to the plaintiffs will result in:

(a) deprivation of travel at the same fixed costs

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as is afforded other people in the area;

(b) confinement to transportation alternatives which are prohibitively expensive;

(c) inability to travel to locations where they may participate in governmental affairs or exercise their rights of association and free speech;

(d) increased burden in obtaining employment;

(e) inability to take part in educational, cultural or recreational events, or to patronize places of commerce.

35. On various occasions plaintiffs DONNA LEARY, JAMES LEARY, WAGNER, and MATHIS have telephoned the offices of the RTS and requested public transportation to various destinations reached by the public transit system. The RTS has consistently informed them that pickups cannot be made where they live.

36. On various occasions plaintiffs have hired private transportation services or ambulances to transport them when they would use public transportation were it accessible and available. On one such occasion, Plaintiff MATHIS was charged \$36 by a private transportation company to be transported from one location to another within the city of Rochester.

37. Because they have not been able to utilize the public transportation system in Monroe County, plaintiffs have each suffered damages in excess of \$11,000 resulting from loss of

employment opportunities, loss of educational, cultural, social, and commercial opportunities, and expenditures for prohibitively expensive non-public transportation.

38. On information and belief, Defendants COLEMAN and PATRICELLI have approved the grant of funds under the Urban Mass Transportation Act and the Department of Transportation and Related Agencies Act totaling over \$110,000,000 (One Hundred Ten Million Dollars) to RGRTA and RTS; and RGRTA and RTS have received a substantial part of the approved funds for the purchase of buses as aforesaid. Defendants COLEMAN and PATRICELLI in approving and granting such funds to RGRTA and RTS in violation of requirements that transportation services be made available to the mobility-handicapped, have mismanaged said \$110 million dollar fund.

39. Defendants Commissioners, GARRITY, PATRICELLI and COLEMAN knew and had reason to know or should have known that they were violating plaintiffs rights secured by the Constitution and laws of the United States as set forth in 49 U.S.C. §§ 1601 et seq., the Rehabilitation Act of 1973, 29 U.S.C. § 794; the Department of Transportation and Related Agencies Act, P.L. 93-391, § 315 (1975) and the Civil Rights Act, 42 U.S.C. § 1983.

40. In February 1976, plaintiffs through their attorney formally requested the defendants Commissioners and GARRITY to cancel any orders for buses which were not fully accessible to mobility-handicapped persons, and further requested defendants

Commissioners and GARRITY to purchase fully accessible buses to make the transportation system of RGRTA and RTS accessible to mobility-handicapped persons. Defendants have not complied with plaintiffs request.

FIRST CLAIM FOR RELIEF

41. The Urban Mass Transportation Act, 49 U.S.C.

§§ 1612 provides:

"planning and design of mass transportation facilities to meet special needs of the elderly and the handicapped. Congressional declaration of policy.

(a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy."

42. Defendants Commissioners and GARRITY, by applying for and accepting federal funds, and by purchasing non-accessible buses for the transit system of Monroe County without planning for a system and equipment so as to assure the effective utilization of the system by the mobility-handicapped, have violated and continue to violate the rights of the plaintiffs as provided for in 49 U.S.C. § 1612(a).

43. Defendants COLEMAN and PATRICELLI, by approving the application of RGRTA for a federal grant with the knowledge

that the system which the RGRTA intended to operate made no provisions for accessibility to the mobility-handicapped, by failing to require that all approved applications for funding grants specifically set forth the manner in which the applicant mass transit system will concurrently be made available to the mobility-handicapped, and by authorizing the federal funding of mass transit systems which will not be accessible to the mobility-handicapped either prior to or in conjunction with the actual expenditure of such funds, have violated, and continue to violate, the rights of plaintiffs as provided in 49 U.S.C. § 1612(a).

SECOND CLAIM FOR RELIEF

44. The Rehabilitation Act of 1973 provides:

"Nondiscrimination under federal grants.

No otherwise qualified handicapped individual in the United States, as defined in Section 706(6) of this title, shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance."

45. Defendants Commissioners and GARRITY, by applying for and receiving federal assistance for the purchase of 46 new buses and applying for funding for 23 buses each year for the next three years, with the approval of UMTA, while failing to plan the transit system to include the participation in it of the mobility-handicapped, have discriminated against the handicapped as prohibited by 29 U.S.C. § 794.

46. Because defendants Commissioners and GARRITY are operating a transportation system and have purchased buses with UMTA funds without making the transportation system accessible to the mobility-handicapped, plaintiffs have been excluded from participation in and denied the benefits of and subjected to discrimination by the operation of said transportation system.

47. Defendants COLEMAN and PATRICELLI, by approving the applications of RGRTA for assistance with full knowledge that neither the existent transit system, nor the buses to be purchased with federal assistance in the future would be accessible, have violated and continue to violate the rights of handicapped persons as declared in 29 U.S.C. § 794.

THIRD CLAIM FOR RELIEF

48. The Department of Transportation and Related Agencies Act of 1975, P.L. 93-391 (1975) provides:

"None of the funds provided under this Act shall be available for the purchase of ... motor buses or for the construction of related facilities unless such cars, buses and facilities are designed to meet the mass transportation needs of the elderly and the handicapped." [Emphasis supplied]

↳ definition

49. Defendants Commissioners and GARRITY, by having purchased and seeking to purchase buses which are inaccessible to the mobility-handicapped have violated and continue to violate the provisions of P.L. 93-391, § 315 (1975), and have violated the rights of plaintiffs thereunder.

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50. Defendants COLEMAN and PATRICELLI, by granting funds to RGRTA for the purchase of buses which will not meet the mass transportation needs of the handicapped, have violated and continue to violate the provisions of P.L. 93-391, § 315 (1975)

FOURTH CLAIM FOR RELIEF

51. By denying plaintiffs and others similarly situated the rights secured by the Urban Mass Transportation Act of 1964, 49 U.S.C. §§ 1601 et seq.; the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.; the Department of Transportation and Related Agencies Act of 1975, P.L. 93-391 (1975); and the Fifth and Fourteenth Amendments to the Constitution, all named defendants have violated the provisions of 42 U.S.C. § 1983.

FIFTH CLAIM FOR RELIEF

52. By owning and operating a public transit system which denies handicapped persons the same right to effective utilization of transportation services which other people enjoy, defendants Commissioners and GARRITY, acting under color of state law, have denied and continue to deny plaintiffs rights secured by the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

SIXTH CLAIM FOR RELIEF

53. By approving and allocating funds for the purchase of non-accessible vehicles for the RTS and RGRTA, Defendants

PATRICELLI and COLEMAN have, as the administrators of UMTA and USDOT, respectively, denied and continue to deny plaintiffs rights secured by the Due Process Clause of the Fifth Amendment to the Constitution of the United States.

EQUITABLE RELIEF

54. Plaintiffs and the class they represent have no adequate remedies at law and no adequate administrative remedies to secure their right to effectively utilize the mass transportation facilities and services.

55. Plaintiffs and the class they represent have suffered and will continue to suffer irreparable injury unless this Court enjoins defendants from continuing the policies, practices and procedures with regard to denial of availability of mass transportation facilities and services which plaintiffs can effectively utilize as has been described herein.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully request that this Court:

1. Enter an Order that this action may be maintained as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure.
2. Issue a declaratory judgment that plaintiffs have been and are being denied the benefits of the transit

system of Monroe County because of their mobility handicaps, and that defendants have violated and continue to violate the rights secured to plaintiffs by 49 U.S.C. § 1612(a), 29 U.S.C. § 794, P.L. 93-391, § 315 (1975), 42 U.S.C. § 1983, and the Fifth and Fourteenth Amendments to the Constitution of the United States.

3. Enter a temporary restraining order and preliminary injunction restraining Defendant Commissioners of the RGRTA and Defendant GARRITY from taking any further action toward purchasing any mass transit vehicles, which are not fully accessible to the mobility-handicapped including the approval of specifications, the submission of specifications to manufacturers, the entering into contracts, the authorization of actual manufacture, and the taking of delivery.

4. Enter a temporary restraining order and preliminary injunction restraining Defendants PATRICELLI and COLEMAN from releasing any funds for mass transit vehicles to be purchased by RTS or RGRTA, until such time as Defendants PATRICELLI and COLEMAN assure this Court that the mass transit system will be effectively accessible to the mobility-handicapped.

5. Grant relief in the nature of mandamus, directing Defendants PATRICELLI and COLEMAN to take affirmative action to insure that the RGRTA and RTS makes public

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transportation accessible to the handicapped before releasing federal funds, and directing Defendants PATRICELLI and COLEMAN to rescind the approval of any already approved or future applications for funds to be used for any purpose other than the provision of fully accessible buses in Monroe County.

6. Enter a permanent injunction enjoining defendants Commissioners and GARRITY from owning or operating any public mass transit system which does not assure the availability to handicapped persons of mass transportation by a system which they can effectively utilize.

7. Enter a permanent injunction enjoining Defendants COLEMAN and PATRICELLI from approving applications for federal funds or releasing federal funds to defendants Commissioners and GARRITY or to any mass transit system or project within Monroe County which fails to assure the availability to handicapped persons of mass transportation by that system which they can effectively utilize.

8. Enter a judgment awarding to each plaintiff compensatory damages in the amount of \$11,000 (Eleven Thousand Dollars) and punitive damages in the amount of \$5,000 (Five Thousand Dollars).

9. Retain jurisdiction of the subject-matter of this complaint until all requirements of this Court and the judgment herein are satisfied.

10. Award plaintiffs their costs and disbursements incurred herein, including reasonable attorneys' fees.
11. Award plaintiffs such further and other equitable relief as may seem just and reasonable.

Dated: Jan 24, 1976

Peter D. Braun
PETER D. BRAUN

Marianne Artusio
MARIANNE ARTUSIO

MONROE COUNTY LEGAL ASSISTANCE CORP.
80 West Main Street
Rochester, New York 14614
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONNA LEARY, JAMES LEARY, BERNICE HENRIKSEN,
MARY JANE WAGNER, CHARLES SMITH, FRANCES AGNELLO,
JOSEPH BARELLA, WILLIE MATHIS,
individually and on behalf of all others
similarly situated; PHOENIX UNLIMITED, an
unincorporated association,

Plaintiffs,

Civil Action
No. 76-286

-against-

HETTY JEAN CRAPSEY, HAROLD A. SHAY, JAMES WHITE,
JOHN J. PETROSSI, DWIGHT VAN DE VATE, THOMAS E.
McGRATH, ROBERT D. WATERMAN, WILLIAM E. HANSON,
individually and in their official capacity as NOTICE OF
Commissioners of the Rochester-Genesee Regional MOTION
Transportation Authority; JOHN GARRITY, individ-
ually and in his official capacity as Resident
Manager of the Regional Transit Service, Inc.;
WILLIAM T. COLEMAN, JR., individually and in his
capacity as Secretary of the United States Depart-
ment of Transportation; ROBERT E. PATRICELLI,
individually and in his capacity as Administrator
of the United States Urban Mass Transportation
Administration; and their agents, employees,
successors in office, assistants and all persons
acting in concert or cooperation with them or at
their direction or under their control,

Defendants.

PLEASE TAKE NOTICE that the undersigned, on behalf of
Defendants Crapsey, Shay, White, Petrossi, Van DeVate, McGrath,
Waterman, Hanson, and Garrity, will bring on the annexed Motion
to Dismiss or, in the Alternative, for Summary Judgment before
this Court, at a Motion Part thereof, to be held at the United
States Courthouse, 100 State Street, in the City of Rochester,

New York, on the 13th day of September, 1976, at 10:00 a.m. in the forenoon of that day, or as soon thereafter as counsel may be heard.

Dated: Rochester, New York
August 30, 1976

Yours, etc.

HARRIS, BEACH AND WILCOX

By: William L. De...

A Member of the Firm

Attorneys for Defendants Crapsey,
Shay, White, Petrossi,
Van DeVate, McGrath,
Waterman, Hanson, and
Garrity

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Office of Chief Counsel

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9320 Nassif Building

400 Seventh Street, S.W.

Washington, D. C. 20590

Attorney for Defendants Coleman and Patricelli

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONNA LEARY, JAMES LEARY, BERNICE HENRIKSEN,
MARY JANE WAGNER, CHARLES SMITH, FRANCES AGNELLO,
JOSEPH PARELLA, WILLIE MATHIS,
individually and on behalf of all others
similarly situated; PHOENIX UNLIMITED, an
unincorporated association,

Plaintiffs,

Civil Action
No. 76-236

-against-

HETTY JEAN CRAPSEY, HAROLD A. SHAY, JAMES WHITE,
JOHN J. PETROSSI, DWIGHT VAN DE VATE, THOMAS E.
McGRATH, ROBERT D. WATERMAN, WILLIAM E. HANSON,
individually and in their official capacity as
Commissioners of the Rochester-Genesee Regional
Transportation Authority; JOHN GARRITY, indi-
vidually and in his official capacity as
Resident Manager of the Regional Transit
Service, Inc.; WILLIAM T. COLEMAN, JR.,
individually and in his capacity as Secretary of
the United States Department of Transportation;
ROBERT E. PATRICELLI, individually and in his
capacity as Administrator of the United States
Urban Mass Transportation Administration; and
their agents, employees, successors in office,
assistants and all persons acting in concert
or cooperation with them or at their direction
or under their control,

MOTION TO
DISMISS OR,
IN THE
ALTERNATIVE,
FOR SUMMARY
JUDGMENT

Defendants.

Defendants Crapsey, Shay, White, Petrossi, Van
DeVate, McGrath, Waterman, Hanson, and Garrity hereby move this
Court for

1. An Order, pursuant to Rule 12(b)(6) of the
Federal Rules of Civil Procedure, dismissing the complaint on
the ground that the complaint, and each of its denominated

"claims," fails to state a claim upon which relief can be granted; or, in the alternative,

2. An Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the complaint to the extent it asserts claims on behalf of plaintiff Phoenix Unlimited, on the ground that plaintiff Phoenix Unlimited lacks standing to sue and that, accordingly, the complaint fails to state a claim upon which relief can be granted as to plaintiff Phoenix Unlimited; or, in the alternative,

3. An Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the denominated Third Claim for Relief on the ground that such Third Claim for Relief fails to state a claim on which relief can be granted; or, in the alternative,

4. An Order, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, dismissing this action, on the ground that this Court lacks jurisdiction over the subject matter of this action; or, in the alternative,

5. Summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure, dismissing this action, on the grounds that there is no genuine issue as to any material fact and that the moving defendants are entitled to judgment as a matter of law; and

6. Such other and further relief as to this Court may seem just and proper under the circumstances.

In support of this motion, the moving defendants will rely upon the complaint and upon the annexed affidavit of Howard W. Gates, sworn to the 30th day of August, 1976, and the Exhibit Binders referred to therein.

Dated: Rochester, New York
August 30, 1976

HARRIS, BEACH AND WILCOX

By: William J. Dan
A Member of the Firm
Attorneys for Defendants Crapsy,
Shay, White, Petrossi,
Van DeVate, McGrath,
Waterman, Hanson, and
Garrity

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Telephone: 716-232-4440

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONNA LEARY, JAMES LEARY, BERNICE HENRIKSEN,
MARY JANE WAGNER, CHARLES SMITH, FRANCES AGNELLO,
JOSEPH PARELLA, WILLIE MATHIS,
individually and on behalf of all others
similarly situated; PHOENIX UNLIMITED, an
unincorporated association,

Plaintiffs,

Civil Action
No. 76-286

-against-

BETTY JEAN CRAPSEY, HAROLD A. SHAY, JAMES WHITE,
JOHN J. PETROSSI, DWIGHT VAN DE VATE, THOMAS E.
McGRATH, ROBERT D. WATERMAN, WILLIAM E. HANSON,
individually and in their official capacity as
Commissioners of the Rochester-Genesee Regional
Transportation Authority; JOHN GARRITY, individ-
ually and in his official capacity as Resident
Manager of the Regional Transit Service, Inc.;
WILLIAM T. COLEMAN, JR., individually and in his
capacity as Secretary of the United States Depart-
ment of Transportation; ROBERT E. PATRICELLI,
individually and in his capacity as Administrator
of the United States Urban Mass Transportation
Administration; and their agents, employees,
successors in office, assistants and all persons
acting in concert or cooperation with them or at
their direction or under their control,

AFFIDAVIT

Defendants.

STATE OF NEW YORK)
) SS.:
COUNTY OF MONROE)

HOWARD W. GATES, being duly sworn, deposes and says:

1. I am the Acting Executive Director of the
Rochester-Genesee Regional Transportation Authority (herein-
after, "R-GRTA") and make this affidavit in support of the

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motion by defendants Crapsey, Shay, White, Petrossi, Van DeVate, McGrath, Waterman, Hanson, and Garrity to dismiss or, in the alternative, for summary judgment. Separately bound Exhibit Binders contain the exhibits referred to herein.

2. The R-GRTA is a New York public benefit corporation created by Section 1299-dd(1) of the New York Public Authorities Law. R-GRTA's purposes, as stated in Section 1299-ee, include "the continuance, further development and improvement of transportation and other services related thereto" within the area of R-GRTA's operations, the Rochester-Genesee Regional Transportation District.

3. Regional Transit Service, Inc. (hereinafter, "RTS") is a public benefit subsidiary corporation organized, as an operating subsidiary of R-GRTA, pursuant to Section 1299-hh(5) of the New York Public Authorities Law.

4. Defendants Crapsey, Shay, White, Petrossi, Van DeVate, McGrath, Waterman, and Hanson, as well as James Lloyd, are the Commissioners of the R-GRTA. Defendant Garrity is the Resident Manager of RTS. Each, except Mr. Lloyd, is sued purportedly in an individual and official capacity.

5. On information and belief, defendant Coleman is the Secretary of the United States Department of Transportation, and defendant Patricelli is the Administrator of the United States Urban Mass Transportation Administration (hereinafter, "UMTA") to whom have been delegated all of the powers

and functions of the Secretary of Transportation under the Urban Mass Transportation Act of 1964, as amended, and other statutes authorizing federal financial assistance to mass transportation.

6. According to the complaint, this is an action by various mobility-handicapped individuals (i.e., confined to wheelchairs or dependent on crutches) and an unincorporated association complaining that the individual plaintiffs and other mobility-handicapped individuals in Monroe County (although R-GRTA's service area extends beyond Monroe County) have not been and are not being afforded full access to the transportation services and facilities of the R-GRTA and RTS.

7. Specifically, plaintiffs' complaint purports to state claims under the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. §§ 1601 et. seq., specifically 49 U.S.C. § 1612 (complaint ¶ 41); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (complaint ¶ 44); Section 315 of the Department of Transportation and Related Agencies Appropriation Act of 1975, Pub. L. 93-391 (complaint ¶ 48); the Civil Rights Act of 1871, 42 U.S.C. § 1983 (complaint ¶ 51); the Fourteenth Amendment to the United States Constitution (complaint ¶ 52); and the Fifth Amendment to the United States Constitution (complaint ¶ 53).

8. The relief requested by the complaint is broad indeed. Among other things, plaintiffs seek an injunction

against R-GRTA's and RTS' continuing to own or operate a public mass transit system that is not fully accessible to mobility-handicapped persons (prayer 6); an injunction against UMTA's funding any mass transit system within Monroe County that is not fully accessible to mobility-handicapped persons (prayer 7); an injunction compelling UMTA to rescind prior funding approvals to R-GRTA and RTS (prayer 5); a restraint against UMTA's releasing any already-approved funds to R-GRTA and RTS (prayer 4); an injunction against R-GRTA's and RTS' acquiring any new buses that are not fully accessible to mobility-handicapped persons (prayer 3); and \$11,000 compensatory damages and \$5,000 punitive damages for each plaintiff.

9. There is no question but that the equitable relief sought by plaintiffs would mean the end of the public mass transit system as now operated by RTS.

10. At the outset, it should be noted that, on information and belief, no United States manufacturer makes a full-size bus, suitable for fixed-route, regularly scheduled, line-haul service, that has a wheelchair lift as an available option. It is submitted that R-GRTA and RTS can be required to do no more than is reasonably possible while still meeting its statutory mandate to provide mass transportation services and facilities throughout its service area.

Background

11. Effective September 1, 1970, R-GRTA purchased the City of Rochester's mass transit operating agency,

Rochester Transit System. The mass transit system was turned over to R-GRTA's newly incorporated subsidiary, RTS, which now serves as R-GRTA's operating arm.

12. The RTS mass transit system is an extensive system designed to provide mass transportation services and facilities to all persons in its service area. The system now serves all of the City of Rochester and portions of Monroe, Wayne, and Livingston Counties; the service area contains a total population of approximately 1,000,000 people. Fixed-route miles total approximately 525 miles. In 1975, the system was used for over 24,000,000 trips.

13. The RTS mass transit system is basically comprised of Urban and Suburban Service and Park and Ride Service. Additionally, RTS operates Dial-A-Ride Service under the auspices of R-GRTA. Each will be discussed separately.

14. The RTS Urban and Suburban Service is a fixed-route regularly scheduled bus service serving the City of Rochester and environs. This service consists of 23 regularly scheduled lines; of these, 13 lines comprise radial pairs connecting two portions of the service area through the Rochester central business district, 3 lines are peripheral or cross-town lines that do not enter the central business district, 6 are radial lines between suburban areas and the central business district, and 1 line is a combination radial and cross town line.

15. The buses used in the RTS Urban and Suburban Service are standard 45-53-passenger line-haul transit buses, with V-6 diesel engines, 35-40 feet in length.

16. The RTS Park and Ride Service, instituted in 1971, is a fixed-route regularly scheduled bus service providing peak-hour commuter express bus service between 6 outlying suburban areas and the City of Rochester central business district and Eastman Kodak facilities along Lake Avenue. The lines are radial in nature; one extends into Livingston County, one extends into Ontario County, one extends into Wayne County, and the remaining lines are totally within Monroe County.

17. The buses used in the RTS Park and Ride Service differ from those in the Urban and Suburban Service because they service longer hauls at higher speeds in express commuter service and operate on available expressways for part of their trips. They are standard 49-passenger line-haul suburban coach buses, with V-8 diesel engines, 40 feet in length.

18. The PERT (an acronym for Personal Transit) Dial-A-Ride Service, instituted in Monroe County in 1973, is not a fixed-route line-haul service. It is a demand-responsive bus service providing door-to-door pick-ups and drop-offs within the 2 Dial-A-Ride service areas (essentially Greece and Irondequoit, New York) and between the Dial-A-Ride service areas and 12 fixed points outside the Dial-A-Ride service areas. The prospective passenger arranges service via

telephone with the PLRT dispatcher. This service is an UMTA-funded demonstration program.

19. Presently, the 2 Dial-A-Ride service areas include portions of the Towns of Greece and Irondequoit. In addition to the normal Dial-A-Ride service within the Dial-A-Ride service areas, the fixed points outside the service areas for which special Dial-A-Ride service is provided to handicapped persons, upon arrangement with the dispatcher, are Midtown Plaza, Al Sigl Center, Strong Memorial Hospital, Veterans Administration and Social Security Office, Monroe County Department of Social Services, Monroe Developmental Center, Association for the Blind, Rochester Psychiatric Center, Rochester Mental Health Center, Rochester General Hospital, Monroe Community Hospital, and the Wilson Center.

20. The buses used in the Dial-A-Ride Service differ from the conventional line-haul buses used in the Urban and Suburban Service and the Park and Ride Service. The Dial-A-Ride buses are smaller, 20-25 feet in length, and are able to seat 17-25 passengers.

21. Because demand-responsive bus service is especially suited to the transportation needs of handicapped persons, R-GRTA's policy in Dial-A-Ride Service bus acquisitions has been that at least 1 in 10 Dial-A-Ride vehicles should be equipped with a wheelchair lift and tie-downs. Presently, R-GRTA has 28 Dial-A-Ride vehicles, of which 4 are equipped with wheelchair lifts and tie-downs.

22. As noted above, the Dial-A-Ride Service is presently an UMTA partially funded demonstration program serving only a limited geographic area. If additional funds become available, the service could be expanded throughout the urban area, according to Phase I of the five-year Comprehensive Development Program adopted by the Genesee Transportation Council.

23. Plaintiffs' complaint is apparently two-fold. First, plaintiffs complain that the full-sized conventional line-haul buses used in RTS' Urban and Suburban Service and Park and Ride Service are not equipped with wheelchair lifts and other wheelchair-required equipment and are accordingly inaccessible to mobility handicapped persons. Second, plaintiffs' complain that the Dial-A-Ride Service vehicles that are equipped with wheelchair lifts and equipment are not available throughout Monroe County.

24. As noted above, however, on information and belief, no United States manufacturer presently makes a full-size conventional line-haul bus that has a wheelchair lift as an available option. Further, using the smaller Dial-A-Ride vehicles, which are offered with a wheelchair lift option, on fixed-route, regularly scheduled line-haul routes in the Urban and Suburban Service and Park and Ride Service would greatly disrupt service and schedules to the detriment of all the riding public.

25. It is true that persons confined to wheelchairs are unable to board buses that are not equipped with wheelchair lifts, without assistance. But that inability, like the handicap, is surely not caused by R-GRTA or RTS or any of the defendants. Any mass transportation system, other than a total demand-responsive system, obviously is more inconvenient for some than others. Some persons, including some mobility-handicapped persons, live too far from a fixed route for the system to be convenient for them. Some persons, including some mobility-handicapped persons, live on a route where the schedule is inconvenient for them. All persons, including mobility-handicapped persons, who live outside the 2 Dial-A-Ride service areas, lack demand-responsive door-to-door service. It is submitted, however, that those inequities, like the ones complained of by plaintiffs, result in no violation of federal or other law.

UMTA Project No. NY-03-0064

26. The complaint focuses on particular R-GRTA/RTS capital applications to UMTA. The particular applications in question were and are designed to provide RTS with funds to purchase transit and suburban buses as part of a program to replace old and mechanically deteriorating buses in line-haul service.

27. As of early 1974, the RTS bus fleet used in Urban and Suburban Service and Park and Ride Service consisted

of 258 buses. Of these, 27 had been acquired in 1968, 77 had been acquired in 1970, and 2 had been acquired in 1973. But 58 buses of that fleet had been acquired in 1960 or earlier, and 42.2% of the fleet was 10 years of age or older.

28. Accordingly, RTS determined to attempt to engage in a replacement program to replace 23 buses per year for each of the next 5 years, for a total of 115 new buses. Of these, 30 were intended to be suburban 49-passenger coaches and 85 were intended to be 45-53-passenger transit buses.

29. Because of available federal assistance, RTS determined to apply to UMTA for a mass transportation capital improvement grant pursuant to Section 3 of the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. § 1602.

30. RTS did submit such an application, for 115 buses and 6 service vehicles over a period of 5 years, to UMTA. Included in the Exhibit Binders as Exhibit A is a copy of said application. This application was filed with UMTA in April 1974 and was assigned Project No. NY-03-0064.

31. In July 1974, the application was amended to delete 2 service vehicles. Included in the Exhibit Binders as Exhibit B are copies of the substituted pages.

32. In May 1974, the application was approved by the Genesee/Finger Lakes Regional Planning Board, pursuant to the A-95 review process, as "consistent with regional goals and policies." Included in the Exhibit Binders as Exhibit C is a

copy of the report of the Genesee/Finger Lakes Regional Planning Board.

33. Also in May 1974, the application was approved by the New York State Department of Transportation as "consistent with the Statewide Master Plan for Transportation." A copy of the approval letter from the New York State Department of Transportation is included in the Exhibit Binders as Exhibit D.

34. In February 1975 UMTA approved the application, in the maximum amount of \$2,495,560, for the purchase of 46 new replacement buses. Although the application had been for a total of 115 new replacement buses, the application made clear that RTS intended to purchase 23 buses per year for 5 years. The approval, then, was essentially only for the first 2 years of RTS' scheduled replacement program. Included in the Exhibit Binders as Exhibit E is a copy of UMTA's letter of approval.

35. Pursuant to that UMTA approval, UMTA and RTS entered into an Urban Mass Transportation Capital Grant Contract, a copy of which is included in the Exhibit Binders as Exhibit F.

36. In March 1975 UMTA approved, with minor modifications, RTS' specifications and bidding documents for the 46 new buses. Copies of RTS' submission and UMTA's response are included in the Exhibit Binders as Exhibits G and H, respectively.

37. Pursuant to that approval, RTS invited bids for the 46 new replacement buses. The bids were opened on May 14,

1975, and UMTA was notified of the results and was requested to amend Project No. NY-03-0064 to reflect the bid prices of the low bidder, General Motors Corporation. A copy of the letter to UMTA is included in the Exhibit Binders as Exhibit I.

38. In response to UMTA's request, a copy of which is included in the Exhibit Binders as Exhibit J. RTS submitted additional documentation in support of its request for amendment, a copy of which is included in the Exhibit Binders as Exhibit K. In response to UMTA's request for further information, a copy of which is included in the Exhibit Binders as Exhibit L, RTS submitted further information, a copy of which is included in the Exhibit Binders as Exhibit M. In October 1975 UMTA approved the requested amendment, a copy of UMTA's letter being included in the Exhibit Binders as Exhibit N. An Amendatory Agreement incorporating the amendment was subsequently executed, a copy of which is included in the Exhibit Binders as Exhibit O.

39. In June 1975 UMTA authorized RTS to accept the low bid. A copy of UMTA's letter is included in the Exhibit Binders as Exhibit P.

40. The low bids were accepted, and agreements between RTS and General Motors Corporation were executed in July and August 1975. Copies of the agreements are included in the Exhibit Binders as Exhibit Q.

41. Pursuant to these agreements, all of the 46 new replacement buses have already been delivered to RTS, and all

of the payments, including payments with funds provided by UMTA, have been made.

42. On information and belief, none of the funds expended by UMTA on Project No. NY-03-0064 were appropriated by the Department of Transportation and Related Agencies Appropriation Act of 1975, Pub. L. 93-391.

UMTA Project No. NY-05-0003

43. Because UMTA's February 1975 letter (Exhibit E) approving Project No. NY-03-0064 had suggested that the remaining replacement buses contemplated by RTS might be funded under Section 5 of the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. § 1604, RTS prepared a new application for a capital grant. A copy of said application is included in the Exhibit Binders as Exhibit R. It has been assigned UMTA Project No. NY-05-0003.

44. Before submission to UMTA, Project No. NY-05-0003 had been approved by the Genesee/Finger Lakes Regional Planning Board as "consistent with Regional Transportation goals and policies" and by the New York State Department of Transportation as "consistent with the Statewide Master Plan for Transportation." Copies of those approvals are included in the Exhibit Binders as Exhibits S and T, respectively.

45. Initially, Project No. NY-05-0003 sought UMTA capital assistance for the purchase of 23 transit buses for use

in RTS' Urban and Suburban Service, 12 suburban buses for use in RTS' Park and Ride Service, 5 small buses for expansion of the Dial-A-Ride Service into the Town of Henrietta, and 24 shelters, all under Section 5 of the Act.

46. By letter dated February 2, 1976, a copy of which is included in the Exhibit Binders as Exhibit U, however, R-GRTA asked UMTA to consider the application for the suburban buses, small buses, and shelters under Section 3 of the Act and to delay any approval of Section 5 funding until July 1, 1976. By letter dated April 13, 1976, a copy of which is included in the Exhibit Binders as Exhibit V, R-GRTA asked UMTA to consider the application for the 23 transit buses and 5 of the suburban buses under Section 5 of the Act and to consider the application for 7 of the suburban buses, the 5 small buses, and the 24 shelters under Section 3 of the Act.

47. The Section 5 portion of the application retained UMTA Project No. NY-05-0003, and the Section 3 portion of the application was assigned UMTA Project No. NY-03-0064-02.

48. In response to UMTA's request for additional information, a copy of which is included in the Exhibit Binders as Exhibit W, RTS provided additional information concerning the application, a copy of which is included in the Exhibit Binders as Exhibit X. In response to UMTA's request for still further information, a copy of which is included in the Exhibit Binders as Exhibit Y, RTS provided still further information

concerning the application, a copy of which is included in the Exhibit Binders as Exhibit Z.

49. As of yet, however, UITA has neither approved nor disapproved either Project No. NY-05-0003 or Project No. NY-03-0064-02. Both applications are still pending

Elderly and Handicapped Committee

50. R-GRTA's and RTS' efforts to provide a mass transportation system that can effectively serve the transportation needs of handicapped persons have been and continue to be extensive. A listing of the chronology of the major steps in this respect is included in the Exhibit Binders as Exhibit AA.

51. On January 18, 1972, 2 R-GRTA Commissioners were appointed to an ad hoc committee to investigate the transportation needs of the elderly and handicapped. This ad hoc committee was made a standing R-GRTA committee on June 26, 1973, and is now called the Transportation Committee for the Elderly and Handicapped.

52. The committee, both as an ad hoc committee and as a standing committee, has had and continues to have the policy of having significant membership both of elderly and handicapped persons and of representatives of public and private agencies and groups serving the needs of elderly and handicapped persons. Copies of the committee's minutes, which

reflect persons in attendance, discussion, and decisions at each committee meeting, are included in the Exhibit Binders as Exhibit BB.

53. Special steps taken by R-GRTA and RTS for the benefit of elderly and handicapped persons include the following:

(a) R-GRTA and RTS have adopted a policy that at least 1 in 10 Dial-A-Ride vehicles will be equipped with wheelchair lifts and other necessary wheelchair equipment.

(b) R-GRTA and RTS have adopted a policy that all future conventional line-haul buses will be equipped with a "kneeling feature," by which the front step can be lowered 6-9 inches to ease access.

(c) R-GRTA and RTS have adopted a policy that all future buses will be equipped with special grab rails, step risers, and lights to ease access.

(d) R-GRTA and RTS have adopted a policy of reserving the 3 seats directly behind the driver on line-haul buses for handicapped persons.

(e) R-GRTA and RTS have adopted a policy of 50% fare reduction for elderly and handicapped persons in off-peak hours and on weekends and holidays.

(f) All buses purchased with UMTA funding assistance fully conform to applicable UMTA requirements.

WHEREFORE, your deponent respectfully requests that
the Court grant the relief requested in this Motion.

Howard W. Gates

Howard W. Gates

Sworn to before me this 30th
day of August, 1976.

Dorothy M. Watson
Notary Public

DOROTHY M. WATSON
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1977

A P P L I C A T I O N

OF THE
REGIONAL TRANSIT SERVICE, INCORPORATED

FOR A
MASS TRANSPORTATION CAPITAL IMPROVEMENT GRANT

UNDER THE
URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

FOR THE

PURCHASE OF ONE HUNDRED FIFTEEN BUSES AND SIX
SERVICE VEHICLES OVER A PERIOD OF FIVE YEARS.
THIRTY SUBURBAN AND EIGHTY FIVE TRANSIT TYPE
BUSES WILL MAKE UP THE TOTAL OF ONE HUNDRED
FIFTEEN BUSES TO BE PURCHASED. SERVICE VEHICLES
WILL INCLUDE ONE PAYLOADER, ONE DUMP TRUCK,
ONE PICK-UP TRUCK, AND THREE CARS.

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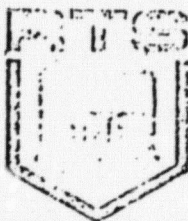
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Urban Mass Transportation Administration
U. S. Department of Transportation
Washington, D. C. 20590

Gentlemen:

The Regional Transit Service applies for a grant of \$4,858,082 under the Urban Mass Transportation Act of 1964, as amended, to assist in financing a capital improvement project generally described as:

Purchase of 30 new 49 passenger suburban air-conditioned diesel buses and 85 new 45-53 passenger air-conditioned diesel transit buses, 3 service cars, 1 payloador, 1 dump truck and 1 pickup truck.

The applicant represents that the data submitted to the Department of Transportation in support of this application are true and correct.

Sincerely,

Thomas E. McGrath
President - Regional Transit Service

TEM/es

EXHIBIT A. PROJECT DESCRIPTION

The project described in this application consists of:

The purchase of 30 new 49-passenger suburban diesel buses,
85 new 45-53-passenger Transit diesel buses, and 6 new
service vehicles.

Based on a survey of manufacturer's prices, the estimated costs are:

(Prices F.O.B. Rochester, New York)

30 Suburban, 49-passenger buses	\$1,680,702
85 TRANSIT, 45-53-passenger buses	4,048,278
6 Service vehicles	<u>54,450</u>
Total	<u>\$5,783,430*</u>
Estimated Gross Project Cost	\$6,072,602

The estimated prices include installation of air conditioning and V-8 diesel engines in the Suburban buses, and V-6 diesel engines in the Transit buses. All other standard equipment required for Regional Transit Service buses is also included.

Purchase will be made through competitive bidding in accordance with established procedures. Copies of the proposed specifications for new buses and service vehicles are attached hereto as Sections I through VI.

Vendors will be required to certify that the vehicles comply with air-pollution criteria currently established by the Environmental Protection Agency or as amended at time of purchase.

* Plus 5% contingency.

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EXHIBIT B. PUBLIC TRANSPORTATION SYSTEM

The detailed history of the public transportation system in the Rochester metropolitan area is described in approved applications on file with the New York State Department of Transportation and the United States Department of Transportation, as referenced in the following summary paragraphs:

Since 1968, urban public transportation in the Rochester area has undergone significant changes in ownership and management.

On May 23, 1968, after suffering a crippling 56-day transit strike, the City of Rochester acquired the assets of the privately owned and operated Rochester Transit Corporation; a management agreement was subsequently executed by the City of Rochester with City Lines Management Corporation.

The following document relates completely the history of the transit system purchase:

Acquisition of the assets of Rochester Transit Corporation by the City of Rochester, including purchase of 27 replacement buses and 29 two-way radios.

UMTA/USDOT

Project No. NY-UTG-9
Contract No. DOT-UT-133

NYS DOT

Project No. 4352.00
Contract Nos. K200 - K200A

Prior to acquisition of the Rochester Transit Corporation by the City, there existed verbal consensus that a regional transportation agency must be created if an integrated, area-wide public transit system was to be achieved. Representatives of the City of Rochester and the County of Monroe worked toward this goal.

In 1969 the Rochester-Genesee Regional Transportation Authority was formed by Act of the New York State Legislature.

The Authority, as a public benefit state corporation, may own and operate any type of public transportation facility, rail, bus, water, or air, which is needed for the public good.

At the present time, the Authority's membership is composed of the counties of Monroe, Wayne, Livingston and Genesee. Additional counties which may join the Authority under present legislation include Seneca, Yates, Ontario and Orleans. Total population of the present eight-county Genesee Finger Lakes Region is approximately one million persons. On the following page, the Genesee/Finger Lakes Region is graphically depicted.

Effective September 1, 1970, less than one year after its formation, the Authority purchased from the City of Rochester the transit operation agency, Rochester Transit System, subsequently incorporating the entity as an Authority subsidiary and changing its name.

Regional Transit Service Incorporated (RTS) is a public transit operating arm of the Rochester-Genesee Regional Transportation Authority. As a subsidiary corporation of the Authority, RTS possesses the same powers and duties, with the exception of the right to incur debt. Its administrative offices, garage and maintenance facilities are located at 1372 East Main Street, Rochester, New York 14609.

In the four and one-half years since RTS became publicly owned, total route miles have been increased more than 150%, and total service area has been expanded. To be exact, route miles as of June, 1968, to 824.55 miles as of September, 1973. The total area served has been expanded from 250 sq. miles to 372 sq. miles.

SUMMARY OF ROUTE MILES

Urban Route Miles

City	182.61	
Suburban	146.06	<u>328.67</u>
Park & Ride Route Miles	495.88	<u>495.88</u>
TOTAL ROUTE MILES	824.55	

Ridership levels have decreased since the first full year of operation. This loss is in keeping with ridership levels nationally. The decreases experienced have been incurred on existing fixed routes. However, on Park & Ride commuter lines that have been established since August, 1971, ridership has increased and continues to increase. The table on page 22 summarizes annual passenger ridership figures since public acquisition of the bus system.

REGIONAL TRANSIT SERVICE RIDERSHIP COMPUTATION

<u>Date</u>	<u>Total</u>	<u>Fixed Route</u>	<u>Dial-A-Bus</u>	<u>Suburban</u>	<u>Park&Ride</u>
May 1968 (takeover) to Dec. 1968	14,811,805				
1969	29,918,381				
1970	27,794,032				
1971	23,492,664	23,438,578		12,793	41,293
1972	20,616,695	20,326,820		101,243	188,632
1973	19,936,605	19,247,069	30,490	297,585	361,461
1974 Est.	20,026,200	19,060,000	266,200	315,000	725,000

Urban Service

There are 23 regularly scheduled urban lines in operation. Of these, 13 comprise radial pairs connecting two portions of the city or its environs via the Central Business District (CBD) with all routes traveling through the CBD. Of the remainder, three lines are peripheral or crosstown, not entering the CBD, six are radial between the CBD and connect the CBD and suburban areas, and one is a combination radial and crosstown line.

Limited express service is provided on 13 lines. All service is terminated by 1:42 a.m. There is presently no special daytime service for shoppers in the CBD.

The current fare structure for fixed routes is as follows:

ADULT	\$.40	STUDENTS	\$ Free ³
TOKENS	3.50 ¹	ZONE INCREMENT	.10
CHILDREN 6-12 yrs.	.15	TRANSFERS	.05
SENIOR CITIZENS	.25 ²		

1. Minimum purchase of 10 tokens.
2. Only during off-peak hours.
3. Free with pass to students who reside more than 1-1/2 mi. from assigned school. Bid under contract with participating school districts.

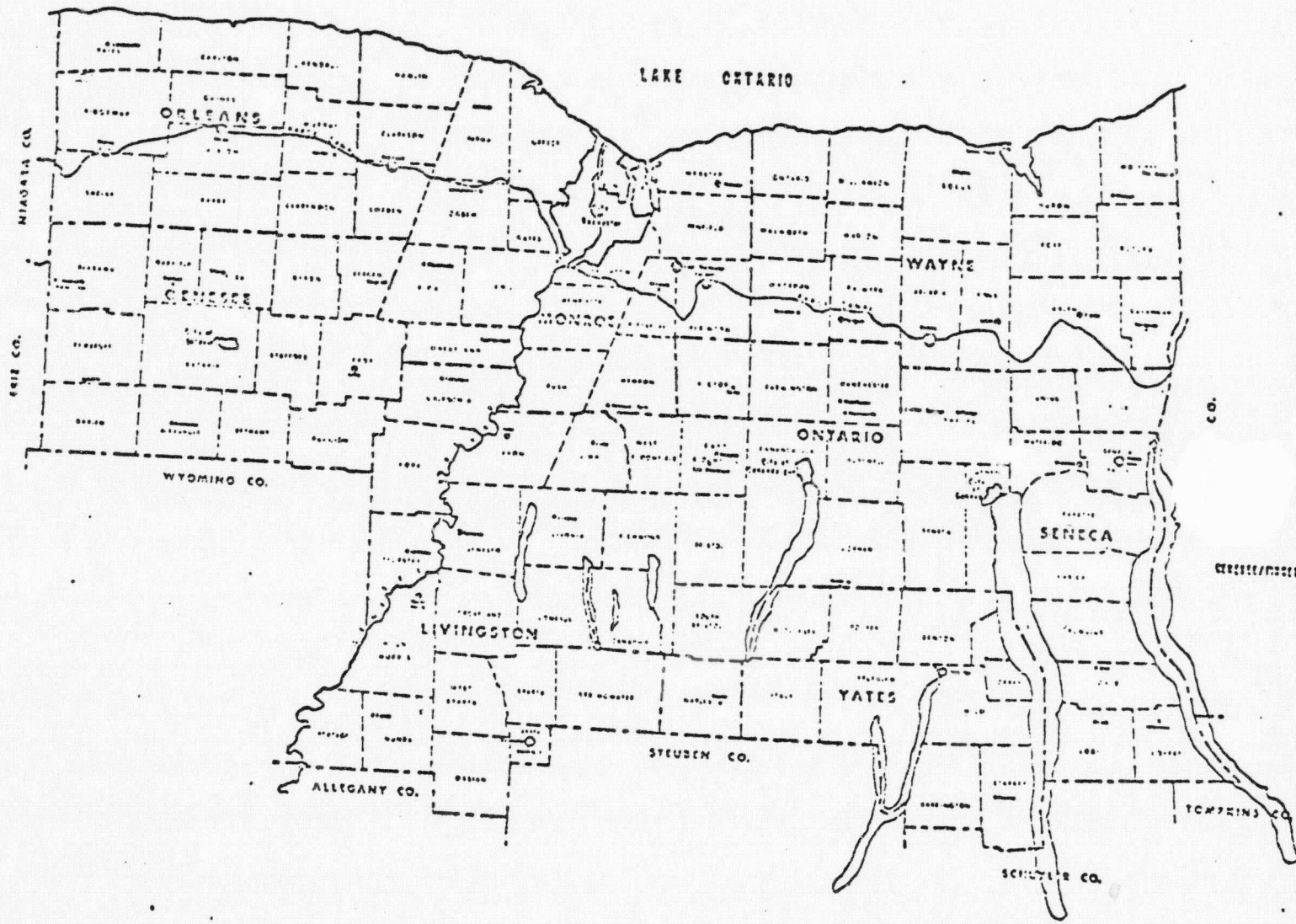
Park & Ride Service

Commuter bus service for suburban residents was inaugurated on August 9, 1971 as a Park & Ride operation. The first Park & Ride bus left Suburban Plaza in Henrietta on an express run for the CBD and to Eastman Kodak installations along Lake Avenue. There are presently six Park & Ride suburban commuter routes. The six Park & Ride routes are radial in nature, focusing essentially on the CBD as well as serving Eastman Kodak Company installations in the City. Two of the six Park & Ride routes extend outside Monroe County. They serve Livingston and Ontario counties respectively.

SUMMARY OF PARK & RIDE SERVICE

<u>Route</u>	<u>Fare Structure</u>	<u>Name of Route</u>	<u>Communities Served</u>
Park & Ride 1	\$.55 - \$1.25	Henrietta, -Avon, -Geneseo	Geneseo, Avon, Lima, Honeoye Falls, Henrietta, Rochester
Park & Ride 2	.65 - 1.25	Perinton-Eastview-Newark	Newark, Palmyra, Victor, Perinton, Rochester
Park & Ride 3	.55 - .90	Brockport-Spencerport-Ridgemont	Brockport, Spencerport, Rochester
Park & Ride 5	.55 - .65	Westside	North Chili, Rochester
Park & Ride 6	.55 - .75	Hilton	Greece, Hilton, Hamlin
Park & Ride 7	.55 - .65	RIT-Riverton	RIT, Riverton, Univ. Rochester

Note: See Exhibits M and N for illustrative material including maps of route locations and other pertinent data.



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GENESEE/FINGER LAKES REGION

UNIVERSITY OF THE STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF LAND USE AND PLANNING
1988

EXHIBIT C. PROJECT JUSTIFICATION

Under the 1970 Federal Project Regional Transit Service received 77 buses. Since this application anticipates delivery of new buses in 1975, the 1970 acquired buses are already 5 years old. The 77 buses received in 1970 plus the 27 received in 1968 approbates the modernization and updating of the fleet. The present fleet is 256. In this area good business practice calls for an annual replacement program.

The most efficient and effective replacement program should be followed on a 12 year-23 buses per year-basis.

Although ridership declined on local transit service, for the first time in our immediate history there was an up-turn in local ridership as of January, 1974. At the same time Park & Ride type operations have been growing since inception. While this might indicate a need for fewer Transit¹ type vehicles, it does show a definite need for more Suburban² type vehicles. This still balances the fleet at 256 buses.

The loss in ridership is attributed to a number of different but related facts. During the decade between 1950 and 1960, the City of Rochester experienced a net loss of 13,877 and another 22,378 loss between 1960 and 1970. However, the suburban communities in Monroe County experienced an increase of 112,632 persons from 1950 to 1960, and a further increase of 147,907 persons between 1960 and 1970.

While population was exploding in the county, outside the city, and decreasing in the city, the mass transit route structure remained essentially static. Since twice as many people now reside in the county as in the city, many of the individuals who were once riding on RTS buses are now going to work by private auto. The decades of the 50s and 60s also saw the high water mark of expressway development.

Not only did major population increases occur in the suburbs, but job losses were registered in the city. However, increases in job opportunities occurred outside the city. Consequently, lack of bus transportation in the suburbs virtually made the employment opportunities inaccessible to the residents on the inner city without auto transportation.

1 City use only.

2 Local, suburban, express, industrial express, Park & Ride.

By 1971 a substantial number of college students were residing in the city, but commuting daily or on weekends to colleges located outside the city. These individuals were being provided occasional service by long haul carriers such as Greyhound and Trailways. Most of the commuting by college students was by auto.

Industrial giants such as Eastman Kodak, Bausch & Lomb, Xerox, and others either left the city and region or expanded their operations into suburban communities within Monroe County. Bausch & Lomb and Eastman Kodak constructed new facilities in suburban Gates and North Chili; Xerox moved to suburban Webster and Henrietta; General Dynamics closed down operations altogether.

The loss of jobs in the city took its toll of bus ridership. A possible solution to the decline in bus ridership is found in the "3-Ms" of operating a successful business. Discounting MONEY and MANAGEMENT, the problem resolved itself into MARKET. Therefore, the only sensible choice open to RTS was to extend bus service to the new market as it is presently constituted.

In order to initiate Park & Ride service, RTS began with existing transit coaches that were designed to meet fixed route requirements. Although it was fully realized that these vehicles were inadequate, they would be used on a temporary basis until new suburban coaches could be acquired. Present equipment for expanding Park & Ride service does not meet the power requirements such as V-8 engines or rear axle to engine ratios to insure proper over-the-road speeds. This fact plus uncomfortable seating arrangements make these vehicles unattractive to the commuter. These vehicles are suitable for tripper assignments or regular line service.

Park & Ride service began on August 9, 1971, and carried 50 passengers. Now, during an average week 14,000 people use this service. It is realistic to estimate that Park & Ride will carry more than 500,000 passengers in a 12-month period. Whenever buses are acquired Park & Ride expansion and improvements will be made. Presently there is a shortage of 8 buses on Park & Ride.

While the extension of Park & Ride routes into various communities in the Rochester metropolitan area has made it easier on suburbanites to travel to jobs in the city, it also has provided an opportunity to reverse commuting. This process has made a substantial number of suburban jobs available to

inner city residents for the first time. For example, jobs and shopping opportunities along Jefferson Road in the Town of Henrietta are now accessible to public transportation. Also located along the route are such well-known national and regional enterprises as Xerox, Rochester Gas and Electric, New York State Department of Transportation, Pennwalt Corporation, Roundtowne Motel, and Shopping Plazas.

The RTS Park & Ride system is also a "two-way-street" as it pertains to educational opportunities. Park & Ride routes established in Geneseo and Brockport offer residents of the City of Rochester access to higher education. Located in the villages of Geneseo and Brockport are 4-year campuses of the State University of New York. These communities are approximately 25 miles from Midtown Plaza in the Rochester central business district. Without Park & Ride many of these residents in inner city would not be able to avail themselves of higher education opportunities.

A new Park & Ride route is now added to serve the community of Riverton, the Eastman Kodak Riverwood facility, and Rochester Institute of Technology and the University of Rochester. Ridership on this route is unavailable since the service only began March 25, 1974.

EXHIBIT D. REVENUE FINANCING

1. Proceeds of sale of facilities to be replaced.

Based on age and mechanical condition of the buses involved no proceeds can be anticipated.

2. Financing from Transportation System Revenues

Regional Transit Service, Incorporated has no source of income other than fare box revenue and normal but minor items of transit revenues such as advertising. Financing of the total cost of the 30 new 49-passenger Suburban and the 85 new 45-53-passenger Transit buses is not possible from current revenues of the transit system. Under the Rochester-Genesee-Regional Transportation Authority provision annual replacement of buses will be appropriated at the rate of \$230,000 per year for the next five years, totalling \$1,150,000. These funds are appropriated from the Authority's Master Plan Mortgage Tax Revenues.

Included as a part of this Exhibit is a 5-year forecasted income statement indicating all expected costs and revenues, and an audited financial statement covering the operations of the transit system for those years under Regional Transit Service, Incorporated management.

3. Private Financing

Since the bus system is a public corporation, sources of private financing are not presently available. No funds are available to subsidize operating or capital expenditures at this time. The County of Monroe has provided \$500,000 interim operating assistance while studying a continuing form of financial assistance.

EXHIBIT D

FORECASTED INCOME STATEMENT

(000's omitted)

(Fiscal Year Ends March 31)

	1972 A	1973 B	1974 C	1975 D	1976 D	1977 D
<u>Operating Revenues:</u>						
Passenger	\$6,828	\$7,135	\$6,938			
Special Bus & Charter	291	216	230			
Advertising & Other	69	61	62			
TOTAL	<u>\$7,188</u>	<u>\$7,412</u>	<u>\$7,230</u>	<u>\$7,644</u>	<u>\$8,026</u>	<u>\$8,426</u>
<u>Operating Expenses:</u>						
Operating & Maintenance	\$6,958	\$6,904	\$7,711	\$8,097	\$8,501	\$8,926
Operating Taxes-On Payroll	214	277	397	417	438	460
TOTAL	<u>\$7,199</u>	<u>\$7,181</u>	<u>\$8,108</u>	<u>\$8,514</u>	<u>\$8,939</u>	<u>\$9,386</u>
<u>Net Operating Revenues (Deficit):</u>						
Excess Depreciation, Plant, and Equipment Replacement and Acquisition Costs	(\$ 11)	\$ 231	(\$ 828)	(\$ 870)	(\$ 913)	(\$ 958)
Less Requirements for Capital Preservation: Depreciation of Existing Plant & Equip.	\$1,027	\$ 981	\$ 969	\$1,000	\$1,000	\$1,000
<u>Other Income</u>	<u>\$ 98</u>	<u>\$ 79</u>	<u>\$ 83</u>	<u>\$ 75</u>	<u>\$ 65</u>	<u>\$ 50</u>
<u>Net Profit (Loss)</u>						
<u>After Depreciation</u>	<u>(\$ 940)</u>	<u>(\$ 671)</u>	<u>(\$1,714)</u>	<u>(\$1,795)</u>	<u>(\$1,843)</u>	<u>(\$1,908)</u>

- A 1971-72 Actual revenues and expenses. See audit report by Price Waterhouse & Co., March 31, 1972.
 B 1972-73 Revenues and expenses. See audit report by Price Waterhouse & Co., March 31, 1973.
 C 1973-74 Budget adopted by RTS Operating Committee in January, 1973; revised in September, 1973.
 D Projects a 5% increase in revenues and expenses over prior year.

EXHIBIT E. NET PROJECT COST AND GRANT FUNDS

Estimated Gross Project Cost (from Exhibit A)	\$6,072,602
Estimated Net Project Cost	6,072,602
Federal Grant Requested(80% of Project Cost)	4,858,082
Local Contribution (20% of Project Cost)	<u>1,214,520</u>
TOTAL PROJECT COST	\$6,072,602

The local contribution will be made in case by the Regional Transit Service, Incorporated, a subsidiary of the Rochester Genessee Regional Transportation Authority, from sources other than federal funds or transit revenues. Funds are available from Rochester Genessee Regional Transportation Authority Mortgage Tax Revenue.

EXHIBIT E
FIVE YEAR REPLACEMENT PROGRAM

Note: All cost figures include inflation increase of 6% per year.

25(49)Suburbans	@ \$55,000	=	\$1,375,000
21(45-53)Transits	@ 43,500	=	913,500
3 Service Cars	10,000	=	10,000
1 Payloader	20,225	=	20,225
1 Dump Truck	20,225	=	20,225

Total	\$2,338,950
(+5%)	\$2,455,893

Federal (80%)	1,964,718	
Local (20%)	491,180	\$2,455,898

2 (49)Suburbans	@ \$58,300	=	\$ 116,600
21(45-53)Transits	@ 46,111	=	968,331
1 Pick-up Truck	4,000	=	4,000

Total	\$1,088,931
(+5%)	\$1,143,378

Federal (80%)	914,702	
Local (20%)	228,676	\$1,143,378

GRAND TOTAL \$5,783,430

(+5%) Total \$6,072,602

2(49)Suburbans	@ \$61,798	=	\$ 123,596
21(45-53)Transits	@ 48,887	=	1,026,627

Total	\$1,150,223
(+5%)	\$1,207,734

Federal (80%)	966,187	
Local (20%)	241,547	\$1,207,734

1 (49) Suburban	@ \$65,506	=	\$ 65,506
22(45-53)Transits	@ 51,810	=	1,139,820

Total	\$ 1,205,326
(+5%)	\$ 1,265,592

Federal (80%)	1,012,474	
Local (20%)	253,118	\$1,265,592

Federal Share (80%) 4,858,082.

Local Share (20%) 1,214,520

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EXHIBIT F. PLANNING

A description of the metropolitan planning process is contained in the earlier applications. The Genesee-Finger Lakes Regional Planning Board (the metropolitan area's regional comprehensive planning agency and the regional clearing house in accordance with OMB Circular A-95) has been officially designated as the planning arm of the Rochester-Genesee Regional Transportation Authority and its subsidiaries.

In addition Regional Transit Service is participating in the activities of the Unified Work Program for transportation planning in the Rochester region. A research and development section has been established to develop and implement short range transit improvements. The improvements are based upon and are a continuation of work commenced in the Federally-assisted Transit Improvement Study (UNTA/DOT Project No. NY-T9-6 and NYSDOT Project No. 4820.00).

Dr. Stuart Denslow, Executive Director, Regional Planning Agency, Genesee-Finger Lakes Regional Planning Board, 47 Fitzhugh Street, Rochester, New York, 14614.

Mr. Robert P. Aex, Executive Director of parent authority, Rochester-Genesee Regional Transportation Authority, Suite 1313, Crossroads Building, Rochester, New York 14614.

Mr. Robert B. Tylock, Chairman, Rochester Metropolitan Transportation Study, Planning Committee, Regional Planning Engineer, New York State Department of Transportation, 1530 Jefferson Road, Rochester, New York 14623.

Mr. Thomas J. McDonald, State Clearinghouse Administrator, New York State Planning and Development Office of Planning Services, 488 Broadway, Albany, New York 12217.

EXHIBIT C. PUBLIC TRANSPORTATION PROGRAM

The Public Transportation Program in the Rochester area is based upon the Regional Transit Service, the principle urban and suburban carrier within the metropolitan area. Empire Trainways and Greyhound, in their role as intercity carrier, provide some limited service in a few corridors where they provide local rural service.

The Rochester-Genesee Regional Transportation Authority, the agency created by the State to plan and operate transportation facilities, is described in Exhibit B. The RGRTA has developed a long-range program for improvements of transit service in the region, and is rapidly moving to implement the program. Since acquisition by the RGRTA the major emphasis in the capital program has been the construction of a new transit administration building, bus storage garage and maintenance facility. This project (UMTA/DOT Project No. NY-03-0037 and NYSDOT Project No. 4821.00) is completing property acquisition and site clearance, with construction to commence this summer.

Further planned capital expenditures in the immediate future include the PERT Dial-A-Bus expansion to contiguous surrounding communities.

Recommended plans by our Massachusetts Institute of Technology consultants are being reviewed by the Commissioners of the RGRTA and include:

1. Expansion of the existing system in terms of vehicle fleet size and population served.
2. The introduction of additional PERT Dial-A-Bus service in other areas.
3. The modification and/or elimination of existing RTS fixed-route bus service within the various service areas, and the introduction of new Park & Ride and Express bus service with a Dial-A-Bus feeder system.
4. The introduction and development of an automated computer controlled dispatching system.

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EXHIBIT N. ELDERLY AND HANDICAPPED

On December 18, 1972, the Rochester-Genesee Regional Transportation Authority adopted a statement of goals and policies which states that they would make "vehicles and facilities accessible to Senior Citizens and handicapped persons." As a result, specifications require that:

"Step risers shall be covered to eliminate any overhang of step tread and to afford easy boarding for handicapped persons."---

Page 3 , Item 10 of
Body Specifications

"Additional grab rails to assist elderly, handicapped and young to be installed. The additional diagonal rail to run from front door to New York State guard rail and be provided per purchaser's specification."---

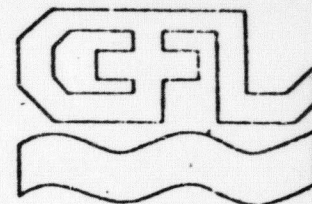
Page 11 , Item 2 of
Stanchions and Grab Rails Specifications

The acquisition of these vehicles will afford the Senior Citizen and the handicapped more comfortable service. In the operation of its urban routes, RTS provides a reduced fare for Senior Citizens during the off-peak hours of the day and night of 25¢.

The location of Senior Citizen population concentrations in the region has been illustrated by a map entitled "Percentage of Population 65 Years and Over". This illustration is made a part of Exhibit N. Based upon 1970 census data, the distribution of Seniors within the region is concentrated within the City of Rochester. Seniors account for 14% of the city's population. The illustration further shows that the adjacent suburban towns ringing the City have a relatively young population. This situation illustrates a normal distribution pattern as a result of urban growth dynamics.

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GENESEE/FINGER LAKES REGIONAL PLANNING BOARD

Suite 500, Ebenezer Watts Building, 47 South Fitzhugh Street, Rochester, New York 14614

716-232-1060

ANNE E. AVERY, Chairman
PHILIP ROWLEY, First Vice Chairman
ARTHUR B. EDDY, Second Vice Chairman
ANGELO CHIAVELLA, Treasurer
VIRGINIA T. DIEBOLT, Secretary

STUART O. DENSLOW, Executive Director

May 21, 1974

Mr. James Reading, Resident Manager
Regional Transit Service
1372 Main Street East
Rochester, New York 14609

Dear Mr. Reading:

The Genesee/Finger Lakes Regional Planning Board has completed the A-95 review process for your project as follows:

GFL-74-39

RGRTA

Purchase of 115 Buses/Six Service Vehicles

Enclosed are the formal comments of the Regional Planning Board and copies of all comments received from referral agencies. These comments should be attached to your application when it is submitted to State and Federal agencies for funding.

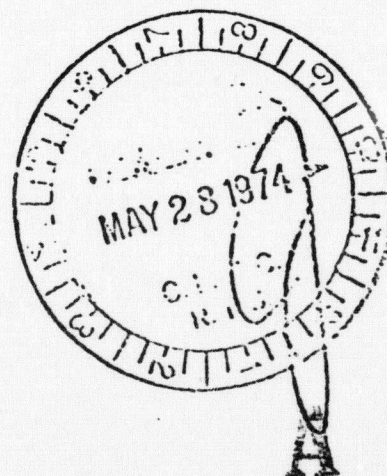
Sincerely,

Stuart O. Denslow
Executive Director

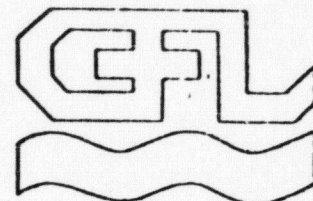
By: *Margaret Ely*

Margaret Ely
Assistant Planner
Planning Assistance

SOD/ME: jr



7.0



GENESEE/FINGER LAKES REGIONAL PLANNING BOARD

Suite 500, Ebenezer Watts Building, 47 South Fitzhugh Street, Rochester, New York 14614
716-232-1069

ANNE E. AVERY, Chairman
PHILIP ROWLEY, First Vice Chairman
ARTHUR B. EDDY, Second Vice Chairman
ANGELO CHARELLA, Treasurer
VIRGINIA T. DIEBOLT, Secretary

STUART O. DENSLOW, Executive Director

PROJECT REVIEW COMMENTS

Project Number: GFL-74-39
Date: May 20, 1974

Planning Review Agency

Name: Genesee/Finger Lakes Regional Planning Board
Address: Suite 500, Ebenezer Watts Building, 47 South Fitzhugh Street, Rochester, New York 14614
Source of Authority for Establishment of Agency: Articles 5-G and 12-B General Municipal Law of the State of New York

Grant Applicant

Name: Regional Transit Service
Address: 1372 Main Street East, Rochester, New York 14609
Project Description: Purchase of 115 buses and 6 service vehicles

Comments

This project is a part of a long-term replacement program set forth to maximize system efficiency while improving quality of service.

Public transportation is an essential part of our human environment and as such must be an item of on-going concern, support and development, not only at the Federal level but also at the local level. The following statements relative to Public Transportation and this project, and found in the document, "Transportation Goals and Policies for the Genesee/Finger Lakes Region" are cited:

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PT-1.0 Public Transportation and Development Policies

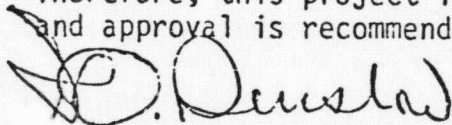
An efficient and economical system of public transportation services for the region should be developed to promote desirable development patterns, to provide essential public transportation services and to avoid undue reliance on any one transportation mode such as the private automobile.

PT-3.0 Public Transportation and Levels of Service

The service standards of public transportation should be improved through the reduction of travel time and an increase in convenience.

3.04 The continuous maintenance and replacement of transit vehicles will be promoted to assure reliable transit services.

Therefore, this project is found to be consistent with regional goals and policies and approval is recommended.



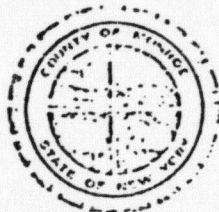
Stuart O. Denslow
Executive Director

A

72

County of Monroe

NEW YORK



DEPARTMENT OF PLANNING
301 COUNTY OFFICE BUILDING
ROCHESTER, NEW YORK 14614

TELEPHONE:
454-7200 EXT. 650

WILLIAM E. UPTEGROVE, DIRECTOR

May 17, 1974

RECEIVED

MAY 20 1974

Dr. Stuart O. Denslow, Executive Director
Genesee/Finger Lakes Regional Planning Board
Suite 500, Ebenezer Watts Building
47 South Fitzhugh Street
Rochester, New York 14614

GENESEE/FINGER LAKES
REGIONAL PLANNING BOARD

RE: GFL 74-39
R.G.R.T.A.
Purchase of 115 buses/six service
vehicles

Dear Dr. Denslow:

We have received and subsequently reviewed GFL-74-39 an application for Federal Aid for the purchase of 115 buses and six service vehicles by the Regional Transit Service, the operating subsidiary of the Rochester Genesee Regional Transportation Authority. The application requests a Federal Grant of \$4,858,082 (80% of project cost) to be supplemented by a local share of \$1,214,520 (20% of project cost) to be obtained from Rochester Genesee Regional Transportation Authority mortgage tax revenue. The monies will be used in a vehicle replacement program consisting of the purchase of 30 suburban 49-passenger buses (equipped with padded seats and air conditioning), 85 transit 45-53 passenger buses, and six service vehicles. The replacement schedule calls for purchase of 46 vehicles (25 of which are suburban buses) in 1974-75, and 23 total vehicles each year 1976 through 1978. This replacement program will maintain the present fleet size of 256 vehicles, but increase the number of suburban buses in the fleet.

Taken on its own merit the application reflects an effort by the Regional Transit Service to meet the present market demands for mass transit in the Rochester-Monroe County area. Although total ridership has declined in recent years along present fixed routes, there has been an upswing in patronage on so-called suburban and Park and Ride routes. The application documents this pattern and indicates that additional suburban buses are needed to meet the present demand and to increase service to outlying areas.

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to meet projected demand. The replacement program as outlined appears to meet the demand and rejuvenate a rapidly aging bus fleet; both laudable business practices. We would concur that the application is acceptable on these grounds; however, there are underlying planning issues that are not addressed.

It is difficult to evaluate this application in the absence of a master plan for mass transportation in the Rochester-Monroe County area. The Rochester Genesee Regional Transportation Authority has contracted with a consulting firm for the development of a short (5 year) and long range mass transit plan. It is anticipated that the short range plan will be available within six months. What effect any recommendations forthcoming from this plan would have in relation to the replacement program outlined in the application is questionable. Should a short range plan recommend major adjustments in present service levels and route characteristics, which may require changes in vehicle specifications or general fleet composition, the replacement program would be affected. It is imperative that the future of mass transit in the Rochester-Monroe County programs such as fleet replacement be an integral component of such efforts.

Very truly yours,

W. E. Uptegrove

William E. Uptegrove
Director of Planning

WEU:PAJ:jb

Copies: A. Chiarella
C. Moore
H. Williams
R. Aex

A

74

MAY 17 1974

GENESEE/FINGER LAKES REGIONAL PLANNING BOARD

Suite 500, Ebenezer Watts Building, 47 South Fitzhugh Street, Rochester, New York 14614
716-232-1000



ANNE E. AVERY, Chairman
PHILIP ROWLEY, First Vice Chairman
ARTHUR B. EDDY, Second Vice Chairman
ANGELO CHAVELLA, Treasurer
VIRGINIA T. DUFFALT, Secretary

STUART O. DENSLOW, Executive Director

1. Review has identified the following concerns (list and discuss briefly)

7. N/A

- 2.

- 3:

II. As a result of these concerns, an information meeting with the applicant is requested Yes No

III. The following comments are submitted in support of the project.

1. See attachment

- 2.

- 3.

IV. We have no ~~concerns~~/comments or further interest concerning this project

Submitted By John J. Stojan Agency Office of Program Development Date 5-14-74

Date 5-14-78

A 75

Project GEL-74-39

1. Given the current status of the severe fuel shortage which the Rochester metropolitan area is experiencing, one cannot begin to emphasize the need for an efficient, modern public transportation system.

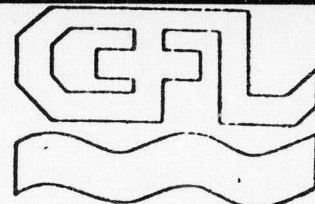
I feel that the scheduling of the types of vehicles to be purchased i.e. suburban vs transit, is entirely consistent with the expected types of growth in ridership during the next five year period.

I strongly urge the most expeditious handling and full funding of this most important program.

RECEIVED

MAY 15 1974

GFL RL
PLANNING D.



GENESEE/FINGER LAKES REGIONAL PLANNING BOARD

Suite 500, Ebenezer Watts Building, 47 South Fitzhugh Street, Rochester, New York 14614
716-232-1050

TO: Planning Assistance Division

FROM: *Livingston County Planning Dept.*

DATE: *5/13/74*

PROJECT: Comments/Concerns - Project GFL-74-39

ANNE E. AVERY, Chairman
PHILIP ROWLEY, First Vice Chairman
ARTHUR B. EDDY, Second Vice Chairman
ANGELO CHIARELLA, Treasurer
VIRGINIA T. DIEBOLT, Secretary

STUART O. DENSLOW, Executive Director

The above project notification has been reviewed by our agency and the following comments are submitted as input to the A-95 process:

I. Review has identified the following concerns (list and discuss briefly)

1.

2.

3.

II. As a result of these concerns, an information meeting with the applicant is requested Yes No

III. The following comments are submitted in support of the project.

1. *Agrees in line with regional transportation goals and policies.*

2.

3.

IV. We have no concerns/comments or further interest concerning this project

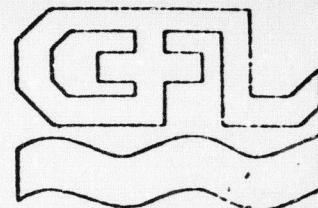
Submitted By *Frank P. [Signature]*

Agency

Date *5/13/74*

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77



GENESEE/FINGER LAKES REGIONAL PLANNING BOARD

Suite 500, Ebenezer Watts Building, 47 South Fitzhugh Street, Rochester, New York 14614
716-232-1959

CHARLES W. BUCH, Chairman
ROBERT MCLELLAN, First Vice Chairman
ANNE E. AVIRY, Second Vice Chairman
ANGELO CHIARELLA, Treasurer
VIRGINIA T. DILLON, Secretary
STUART O. DENSLOW, Executive Director

Genesee/Finger Lakes Regional Planning Board

APPLICATION SUBMISSION NOTICE

In order to complete our files, it will be appreciated if you would return this form to the Regional Clearinghouse at the time you submit your application to the Federal funding Agency.

Project	Description	Federal Agency
GFL-74-39	Purchase of 115 buses/Six Service Vehicles	UMTA

SUBMISSION DATE

Mar. 1974

Identification No. (if known)

NY-03-0064

Return to: Genesee/Finger Lakes Regional Planning Board
Planning Assistance Division
Suite 500, Ebenezer Watts Building
47 South Fitzhugh Street
Rochester, New York 14614

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78

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
Raymond T. Schuler, Commissioner

1220 Washington Avenue, State Campus, Albany, New York 12226



MAY 22 1974

Mr. Robert H. Black, Chairman
Rochester-Genesee Regional
Transportation Authority
1313 Crossroads Office Building
2 State Street
Rochester, New York 14614

Dear Mr. Black:

Regional Transit Service, a subsidiary of the Rochester-Genesee Regional Transportation Authority, forwarded a copy of their application for Federal mass transportation financial assistance for the purchase of 115 buses and six service vehicles to this office for my approval. The application has been reviewed in accordance with provisions of Section 119-s, Subdivision 3 of the General Municipal Law.

The application is approved as being consistent with the Statewide Master Plan for Transportation.

I will appreciate a copy of any acknowledgement and any subsequent correspondence between the Authority and the Federal government.

Very truly yours,

J. K. Mladinov
for RAYMOND T. SCHULER
Commissioner

JOHN K. MLADINOV
EXECUTIVE DEPUTY COMMISSIONER

cc: J.E. Reading, R.T.S.
R.P. Aex, RGRTA

A 79

THE ADMINISTRATOR

DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
WASHINGTON, D.C. 20590

Mr. John F. Petrossi
President, Regional
Transit Service, Inc.
1313 Crossroads Building
Rochester, New York 14614

FEB 1 1965

Re: Project No. NY-03-0064
Grant Approval

Dear Mr. Petrossi:

I am pleased to advise you that your application for a capital grant under the Urban Mass Transportation Act of 1964, as amended, has been approved in the maximum amount of \$2,495,560.

We have reserved the full \$2,495,560 for this project which will enable the improvement of park-and-ride and regular transit service through the purchase of 46 new buses to replace older and obsolete equipment.

We have reviewed your future subsidy and capital requirements and it appears that you should be able to acquire the additional 23 buses requested in the original application with funds now available under Section 5 of the Urban Mass Transportation Act of 1964, as amended.

To assist your staff in administering this project, we are enclosing two copies of our "Guidelines for Project Administration" as well as UMTA computer information forms which should be completed and submitted to us. Two copies of the approved project budget are also attached.

Also included are five (5) counterparts of an Offer of Contractual Assistance executed on behalf of this Administration. Each should be executed in accordance with appropriate proceedings and certified by your Attorney. In the event your Attorney is unable to make the certification because of pending legislation or litigation which might affect the prosecution of the project, a concise description of the reasons should be forwarded to UMTA. Three copies of the executed counterparts and two certified copies of the authorizing proceedings should be returned to: Theodore A. Munter, UMTA, Assistant Chief Counsel, UCC-30, 400 - 7th Street, S.W., Washington, D.C. 20590

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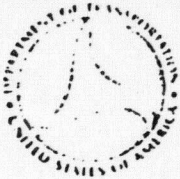
within sixty (60) days of the date appearing on this letter of transmittal. In the event the counterparts cannot be returned within the sixty (60) day period, Mr. Munter should be immediately notified by letter setting forth the reason for the delay and requesting an extension of the offer.

We are looking forward to working with you in carrying out this worthwhile project.

Sincerely,


Frank C. Herringer

Enclosures



DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
WASHINGTON, D.C. 20590

THE ADMINISTRATOR

OCT 03 1975

Mr. John F. Petrossi
President, Regional Transit Service, Inc.
1313 Crossroads Building
Rochester, New York 14614

Re: Project No. NY-03-0064
Technical Amendment No. 1

Dear Mr. Petrossi:

I am pleased to advise you that the Regional Transit Service's request for a technical amendment to Project No. NY-03-0064 has been approved.

The technical amendment changes the scope of the project by the deletion of the purchase of three supervisory and three maintenance vehicles. Also, it allows the use of the funds that were to be used for the purchase of these vehicles to cover the cost of a budget overrun in the purchase of 27 new 49-passenger buses. No additional funds are involved.

We are enclosing two copies of the revised project budget. Also included are five counterparts of an Offer of Contractual Assistance executed on behalf of this Administration.

The aforementioned counterparts should be executed in accordance with appropriate proceedings of the Board of Directors and certified by the Regional Transit Service's Attorney. In the event the Regional Transit Service's Attorney is unable to make the certifications because of pending legislation or litigation which might affect the prosecution of the project, a concise description of the reasons should be forwarded to UMTA. Three copies of the executed counterparts and two certified copies of the authorizing proceedings should be returned to: Theodore A. Munter, UMTA, Assistant Chief Counsel, UCC-30, 400 7th Street, S.W., Washington, D. C. 20590, within 60 days of the date appearing on this letter of transmittal.

In the event the counterparts cannot be returned within the 60-day period, this office should be immediately notified by letter setting forth the reason for the delay and requesting an extension of the offer.

We are looking forward to working with you in carrying out this worthwhile project.

Sincerely,

Robert E. Patricelli
Robert E. Patricelli
Administrator

Enclosure

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APPROVED PROJECT BUDGET

Project No. NY-03-0064
Regional Transit Service, Inc
Rochester, New York

Technical Amendment No. 1
Budget No. 2
July 1975

The project budget and corresponding cost estimates are as follows:

10.01.66	Purchase of 27 new 49-passenger air-conditioned suburban transit buses	\$1,972,557
10.01.66	Purchase of 19 new 45 53-passenger air-conditioned diesel transit buses	1,143,490
32.00.00	Contingencies	3,403
ESTIMATED NET PROJECT COST		<u>\$3,119,450</u>

APPROVED FINANCING

Federal Grant	\$2,495,560
Local Share	623,890

CASH DISBURSEMENT SCHEDULE

FY-1976	1st Quarter	\$ - 0 -
	2nd Quarter	2,495,560
	3rd Quarter	- 0 -
	4th Quarter	- 0 -

A P P L I C A T I O N

by the

ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

on behalf of

REGIONAL TRANSIT SERVICE, INC.

for a

"Section 5" Capital Grant

to purchase

23 transit buses, 12 suburban buses, 5 small buses, and 24 shelters

under the

URBAN MASS TRANSPORTATION ACT OF 1964

as amended

AUGUST 28, 1975

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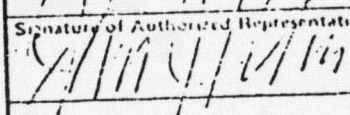
APPLICATION FOR FEDERAL ASSISTANCE		PART I							
3. Federal Granting Agency Department of Transportation Organizational Unit Urban Mass Transportation Administration Administrative Office Section 5 Street Address - P.O. Box Washington, D. C. 20590 City State Zip Code		1. State Clearinghouse Identifier 7592							
		2. Applicant's Application No. (to be completed by UTA)							
5. Descriptive Name of the Project "Section 5" Transit Equipment Acquisition Program (23 Transit Buses, 12 Suburban Buses, 5 Small Buses and 24 Shelters)		4. Applicant Name Regional Transit Service, Inc. Department Division 1313 Crossroads Office Building 2 State Street Street Address - P.O. Box Rochester Monroe City County New York 14614 State Zip Code							
		6. Federal Catalog No. 20.500							
7. Federal Funding Requested \$ 2,292,000		8. Grantee Type State County City ☒ Other (Specify) Regional Transportation Authority							
9. Type of Application or Request ☒ New Grant ☐ Continuation ☐ Supplement ☐ Other Changes (Specify)									
10. Type of Assistance ☒ Grant ☐ Loan ☐ Other (Specify)									
11. Population Directly Benefiting from the Project 200,000		13. Length of Project Twelve (12) Months							
12. Congressional District 34th and 35th a. b.		14. Beginning Date July 1, 1975 15. Date of Application							
16. The applicant certifies that to the best of his knowledge and belief the data in this application are true and correct, and that he will comply with the attached assurances if he receives the grant.									
Typed name John J. Petrossi		Title President, Regional Transit Service							
Signature of Authorized Representative 		Telephone Number <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">AREA CODE</th> <th style="width: 50%;">NUMBER</th> <th style="width: 25%;">EXT.</th> </tr> </thead> <tbody> <tr> <td>716</td> <td>546-7340</td> <td>---</td> </tr> </tbody> </table>		AREA CODE	NUMBER	EXT.	716	546-7340	---
AREA CODE	NUMBER	EXT.							
716	546-7340	---							
For Federal Use Only Rochester-Genesee Regional Transportation Authority, 1313 Crossroads Office Building, 2 State Street, Rochester, New York 14614									

EXHIBIT A - PROJECT DESCRIPTION

PURCHASE OF:

1. TWENTY-THREE (23) NEW 53-PASSENGER AIR CONDITIONED DIESEL TRANSIT BUSES.
2. TWELVE (12) NEW 49-PASSENGER AIR CONDITIONED DIESEL SUBURBAN BUSES.
3. FIVE (5) SMALL BUSES
4. TWENTY-FOUR (24) BUS SHELTERS

1. It is estimated that the cost of twenty-three (23) New 53-Passenger Air Conditioned Diesel Transit Buses, f.o.b. Rochester, will be \$70,000 a piece. Therefore, twenty-three (23) vehicles will cost a total of \$1,610,000. This cost includes air conditioning, V6 diesel engines and kneeling feature to aid handicapped persons boarding.
2. It is estimated that twelve (12) New 49-Passenger Suburban Coaches will cost \$80,000 a piece. It is, therefore, estimated that the twelve (12) vehicles will cost a total of \$960,000. The buses will be equipped with V8 diesel engines, air conditioning and furnished with high back suburban, non-reclining seats.
3. It is estimated that five (5) small buses that will be utilized for Demand Responsive Service will cost \$35,000 apiece. Therefore, the total cost will amount to \$175,000. The vehicles will be equipped with gasoline engines and furnished with upholstered seating.
4. It is estimated that twenty-four (24) stainless steel bus shelters, featuring Lexan panels, will cost \$5,000 apiece. The total cost of the purchase of these shelters will amount to \$120,000.

The purchase of the items described will be made from competitive bidding in accordance with the established procedures of Regional Transit Service, Inc., New York State Department of Transportation and the rules and regulations of the United States Department of Transportation, Urban Mass Transportation Administration.

Vendors will be required to certify that the vehicles will comply with the air pollution criteria currently established by the Environmental Protection Agency.

EXHIBIT B - PUBLIC TRANSPORTATION SYSTEM

REGIONAL TRANSIT SERVICE, INC.

The principal mass transportation carrier in the urban area is Regional Transit Service, Inc. This carrier provides fixed route service within the City of Rochester, New York, and also provides fixed route suburban service to the Towns of Greece, Chili, Gates, Pittsford, Webster, Perinton, Henrietta, Penfield and Irondequoit; Park & Ride line haul service to various locations in Monroe, Livingston and Wayne Counties; and Demand Responsive service in the Town of Greece and part of the City of Rochester.

Regional Transit Service, Inc. (RTS) is a subsidiary of the Rochester-Genesee Regional Transportation Authority (R-GRTA). As a subsidiary of R-GRTA, RTS possesses the same powers and duties with the exception of the right to incur debt. Its administrative offices, garage and maintenance facilities are located at 1372 Main Street East, Rochester, New York 14609.

Since May of 1968, when RTS became publicly owned, total route miles have been increased more than 137% and total service area has been expanded approximately 480%. To be exact, route miles traveled by RTS buses have increased from 222 miles as of June, 1968, to 524 miles as of May, 1975. The total area served has been expanded from 250 square miles to 1,450 square miles.

Summary of Route Miles

Urban Route Miles	329
City - 183 Miles	
Suburban - 146 Miles	
Park & Ride Route Miles	<u>195</u>
Total Route Miles	524

Ridership levels have decreased since the first full year of public operation. This loss is in keeping with ridership levels nationally. The decreases experienced have been incurred on existing fixed routes. On Park & Ride commuter lines, however, established since August, 1971, ridership has increased and continues to increase. The following table summarizes annual passenger ridership figures since public acquisition of the bus system:

<u>Passenger Ridership</u>	<u>RTS RIDERSHIP COMPUTATION</u>				<u>Park & Ride Pass.</u>	<u>Dial-A-Ride Pass.</u>
	<u>Total Pass.</u>	<u>Fixed Route Passengers</u>	<u>Suburban Pass.</u>			
May 23, 1968 (Takeover) to December 31, 1968	14,811,805					
1969	29,918,381					
1970	27,794,032					
1971	23,487,664	23,451,371			41,293	
1972	20,616,005	20,428,468			188,227	
1973	17,676,744	17,234,793			361,461	30,490
1974	17,045,116	16,293,495			622,234	129,477

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EXHIBIT B (Cont'd)

As of May 1st, 1975, RTS has a fleet of 234 transit buses, 17 suburban buses and 13 Demand Responsive (D/R) buses. There are 23 regularly scheduled urban lines in operation, 5 Park & Ride lines and one Dial-A-Ride system implemented with two (2) more scheduled to be operational in 1975-76.

In July, 3 FRC buses were put into the Demand Responsive Program to meet the needs of handicapped. They are presently being utilized in the Towns of Greece and Irondequoit and provide special service to twelve locations in the City of Rochester for handicapped passengers.

Prior to June 15th, 1975, the fare structure for fixed routes was as follows:

Adult Cash Fare	\$.40
Tokens	\$3.50 (1)
Children 6-12 years	\$.15
Senior Citizens	\$.25 (2)
Students - 1	Free (3)
Students - 2	\$.10 (4)
Zone increment	\$.10
Transfers	

- (1) Minimum purchase of 10 token lots
- (2) Only during off-peak hours
- (3) Free with pass to students who reside more than 1-1/2 mile from assigned school
- (4) \$.10 with pass to students who reside less than 1-1/2 mile from assigned school

Effective June 15, 1975 the following fare structure has been inaugurated:

1. A free fare within the Inner Loop of the CBD of the City of Rochester and on State Street, between Main Street and Brown Street.
2. A 40¢ cash fare, or a 35¢ token fare, for all local fixed-route bus service outside the Inner Loop, on a single fare zone basis, during peak service hours, Monday to Friday, inclusive.
3. A 25¢ cash fare, for all local fixed-route service outside the "free fare zone" during off-peak hours of mid-day, Monday to Friday, inclusive, and the service hours of Saturdays, Sundays and holidays.
4. A 25¢ off-peak "validation" token fare, for all local fixed-route service outside the "free fare zone" during the off-peak hours of mid-day, Monday to Friday, inclusive, and during the daytime hours of Saturday.
5. A \$14 prepaid monthly pass for unlimited rides for all local fixed-route service.
6. A \$20 prepaid monthly pass, good for unlimited rides on all express service.

EXHIBIT B (Con't)

7. A mileage based rate pass, good for Park & Ride service.
8. A 55¢ cash fare or 35¢ token plus 15¢ cash fare, for express bus service.
9. A 20¢ cash fare for handicapped persons, as defined by Section 16d of the Act, for all local fixed-route service during the off-peak hours of mid-day and evenings, Monday to Friday, inclusive, and during the service hours of Saturdays, Sundays and holidays.
10. A 20¢ cash fare for elderly persons, 65 years of age and over, with required identification, for all local fixed-route service during the off-peak hours of mid-day and evenings, Monday to Friday, inclusive, and during the service hours of Saturdays, Sundays and holidays.
11. A Park & Ride system fare at present rates, plus 14%, rounded to nearest 25¢.
12. A 5¢ cash transfer.

The detailed history of the public transportation system in the Rochester metropolitan area is described in approved applications on file with the New York State Department of Transportation and the United States Department of Transportation and the United States Department of Transportation, as referenced in the following summary paragraphs:

Since 1968, urban public transportation in the Rochester area has undergone significant changes in ownership and management.

On May 23, 1968, after suffering a crippling 56-day transit strike, the City of Rochester acquired the assets of the privately owned and operated Rochester Transit Corporation; a management agreement was subsequently executed by the City of Rochester with City Lines Management Corporation.

The following document relates completely the history of the transit system purchase:

Acquisition of the assets of Rochester Transit Corporation by the City of Rochester, including purchase of 27 replacement buses and 29 two-way radios.

UMTA/USDOT

Project No. NY-UTG-9
Contract No. DOT-UT-133

NYS DOT

Project No. 4352.00
Contract Nos. K200 - K200A

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EXHIBIT B (Con't.)

Prior to acquisition of the Rochester Transit Corporation by the City, there existed verbal consensus that a regional transportation agency must be created if an integrated, area-wide public transit system was to be achieved. Representatives of the City of Rochester and the County of Monroe worked toward this goal.

In 1969, the Rochester-Genesee Regional Transportation Authority was formed by Act of the New York State Legislature.

The Authority, as a public benefit state corporation, may own and operate any type of public transportation facility, rail, bus, water, or air, which is needed for the public good.

At the present time, the Authority's membership is composed of the counties of Monroe, Wayne, Livingston and Genesee. Additional counties which may join the Authority under present legislation include, Seneca, Yates, Ontario, and Orleans. Total population of the present eight-county Genesee Finger Lakes Region is approximately one million persons.

EXHIBIT C - PROJECT JUSTIFICATION

TWENTY-THREE (23) TRANSIT BUSES

Regional Transit Service, Inc. (RTS), a wholly owned subsidiary of the Rochester-Genesee Regional Transportation Authority (R-GRTA), submitted an application to the Urban Mass Transportation Administration (UMTA) on February 26, 1975 for a Section 3 Capital Grant to aid in the financing of one hundred and fifteen (115) buses and a number of service and supervisory vehicles over a five (5) year period. Approximately one year later in a letter dated February 19, 1975 from UMTA, RTS was notified that the first two years (46 buses) of the five year Bus Replacement Program had been approved. The Project is identified as NY-03-0064.

The letter approving the Grant instructed RTS that further bus acquisition should be made under Section 5 of the Urban Mass Transportation Administration Act of 1964 as amended. As a result, twenty-three (23) additional buses were included in the first annual program of projects for the Rochester urbanized area.

Mr. Lucien A. Morin, Chairman of the Genesee Transportation Study Policy Committee (MPO), was informed by Stephen G. McConahey in a letter dated April 22, 1975 that "the appropriate Section 5 recipient may now submit an application for the project listed on the enclosed summary". The twenty-three (23) buses requested in the approved annual program of projects were identified by UMTA as NY-05-0003.

TWELVE (12) SUBURBAN BUSES

The Metropolitan Planning Organization, namely the Genesee Transportation Study (GTS), has accepted a Transit Improvement Program (TIP) which includes a five year program of projects. The annual element of this program identifies the capital project for twelve (12) suburban buses to implement the expansion of Park & Ride (P & R) service as recommended by the TIP. Presently, both the Transportation Authority and Regional Transit Service, Inc. are being besieged by requests from individuals, municipalities, and County Legislators to implement additional Park & Ride and Express service in conformance with the plan. Unless suburban buses are made available to expand existing Park & Ride routes and establish new routes, much of the gains which have been accomplished as a result of the development of the Transit Improvement Program will be jeopardized.

FIVE (5) SMALL BUSES

The adopted TIP recommends development of Demand Responsive Transportation Systems for those communities adjacent to the City of Rochester. At

present, one Dial-A-Ride system has been implemented (Town of Greece); a second is in the process of implementation by November of this year in the Town of Irondequoit (part of a Demonstration Grant Program); and the third Dial-A-Ride program which has been scheduled for the Town of Henrietta will be implemented late in 1976 as part of the same Demonstration Program. In order to implement the Henrietta Dial-A-Ride program, five small buses are required in addition to the existing Dial-A-Ride fleet.

TWENTY-FOUR (24) BUS SHELTERS

As a result of numerous private and public requests for bus shelters at various locations throughout the RTS service area, Town and Village Boards in Monroe County and the Rochester City Council were contacted and requested to provide RTS with potential locations. RTS personnel have evaluated each site and have assigned a priority for the on site construction of shelters. Shelter locations receiving the highest priority ratings for erection are senior citizen housing areas, handicapped service centers, and inner city bus line stops. The acquisition of twenty-four (24) shelters will provide the basis for the implementation of the first year of this program.

EXHIBIT M - ELDERLY AND HANDICAPPED

Rochester-Genesee Regional Transportation Authority (R-GRTA) adopted a statement of goals and policies at a meeting held on December 18, 1972. Among the goals and policies adopted was a statement that the R-GRTA would make accessible to seniors and handicapped persons its vehicles and facilities.

As a result, Regional Transit Service, Inc. (RTS) specifications generally require:

"Step risers shall be covered to eliminate any overhang of step tread and to afford easy boarding for handicapped persons."

"Additional grab rails to assist elderly, handicapped and young to be installed. The additional diagonal rail to run from front door to New York guard rail and be provided per purchaser's specification."

The acquisition of the twenty-three buses will afford the senior citizen and the handicapped more comfortable service. It has become the policy of RTS that these twenty-three (23) buses and all future buses and fixed route line haul service will be equipped with a kneeling feature in order to lower the first step.

As a result of amending the Urban Mass Transportation Act of 1964, Regional Transit Service, Inc. has established a 1/2 fare program for senior citizens and handicapped during the off peak hours and on Saturday, Sunday, and holidays. Seniors and handicapped may ride for 20¢ including a no charge for transfers.

Special emphasis has been to develop senior citizens and handicapped markets. Three (3) FMC vehicles equipped with a lift and orthopedically designed seating have been placed into service to provide special trips from the Towns of Greece and Irondequoit to twelve locations in the City of Rochester which provides services to handicapped. This service is limited to areas presently being served by a Demand Responsive (Dial-A-Ride) program. The five (5) small buses that will be utilized for the Town of Henrietta will be placed in Demand Responsive service. The nature of Dial-A-Ride is ideal for senior and handicapped utilization since it is highly personalized and provides door-to-door transportation on demand.

It is the policy of the R-GRTA that at least 10% of the Dial-A-Ride (DAR) vehicles will be equipped to handle non-ambulatory passengers. Surveys have been taken aboard the existing DAR system and the results have vividly illustrated that 18.1% of the ridership were at least 55 years or older and that those of 65 years or older comprised 10.7%. Presently, out of a fleet of 16, four vehicles are equipped with lift facilities.

III. DISCUSSION OF THE DISTRIBUTION OF TRANSPORTATION BENEFITS

- A. The twenty-three (23) buses will be used to replace older vehicles that are presently in line haul fixed route service and, therefore, will have no adverse impact on minority areas. Conversely, the impact will most probably be positive. In all probability, these vehicles will be placed into service on those lines that traverse minority areas. These lines generally have a higher ridership and are allocated a greater number of vehicles throughout the day. Therefore, new equipment will increase the reliability of Regional Transit Service, Inc. (RTS) service and will make trips by minority groups on RTS buses more attractive.

The twelve (12) suburban coaches to be acquired will be used in Park & Ride service. Although Park & Ride programs provide service to suburban residents, indirect benefits for inner city residents are apparent. Without this type of bus service, commuters would have no alternative but to use their automobile for travel to jobs in inner city locations. Park & Ride programs attempt to alleviate this situation by eliminating a number of automobile trips at least equal to the number of passengers aboard each suburban coach, thereby lessening some of the adverse impacts of automobile traffic on city streets during the rush-hour period.

The five (5) small buses to be acquired would be placed into a Demand Responsive program schedule for the Town of Henrietta in late 1976. The Henrietta Dial-A-Ride program is being funded under an UMTA Demonstration Program.

The purchase of twenty-four (24) bus shelters for the RTS fixed route system is intended to promote travel by bus by making it more convenient during periods of inclement weather. The erection of shelters at various sites will be accomplished on the basis of a priority system. Those bus stops that are in proximity to senior housing, medical centers and clinics, social service organizations, or have an inner city location have been granted a higher priority than those bus stop locations generating low passenger volumes.

- B. The two hundred ten (210) buses RTS has available for fixed route service are dispatched on a first-in-line first-out basis, regardless of route. In other words, the RTS fleet is not dispatched by assigning a particular bus to a particular route. When buses arrive at the storage facility at night, they are lined up as they come in and go out in like manner.

B. (Cont'd)

Only the driver is assigned to a specific route as a result of seniority picks which are part of the union work rules.

- C. RTS will award contracts for the purchase of these vehicles as a result of an open competitive bid. Therefore, the lowest responsive bidder regardless of race, creed, age or sex will be awarded the contract. RTS is an equal opportunity employer.

D. Minority Group Involvement

The Rochester-Genesee Regional Transportation Authority (R-GRTA) acting on behalf of RTS, a wholly owned subsidiary, has developed, in cooperation with the City of Rochester's Planned Variation-Citizens Participation Review Committee, the formation of the Citizens' Advisory Council (CAC). The CAC was originally established to review transit proposals for the Charlotte-Henrietta Rail Corridor. The CAC is composed of community groups which include representatives of the Blacks, Spanish-speaking minorities, neighborhood organizations, business and industrial organizations, institutions and individuals concerned with the protection of the community's interest in public transportation for Rochester and Monroe County.

One March 18, 1974, an amendatory agreement was signed with the CAC by R-GRTA to insure that the total community has an opportunity not only to be involved with the planning of the proposed rail transit system but allows the Authority to work with a coordinated citizens' council that represents and reports to its many member groups and organizations.

In addition, various public informational meetings have been called and held on R-GRTA's Transit Improvement Program. To date, five (5) public hearings were held in every sector of the City of Rochester and the County of Monroe, in addition to meetings with individuals and local community groups.

Formal public hearings are held on all Federal and State grant applications as well as on proposed fare changes. This vehicle allows all citizens, no matter what his station in life, to voice his or her opinion with regard to public transit.

E. The Quality of Transit Service

Where RTS operates fixed route service, no household is more than 1/4 mile from a line haul. The average age of the RTS vehicles is seven (7) years. Vehicles are not assigned to any specific route. However, drivers are. The transit fare for all residents of the City of Rochester is presently 40¢. During off peak hours, all day Saturday, Sunday and Holidays, senior citizens and handicapped fare are reduced to 1/2 fare (20¢). Information is furnished on individual RTS routes, i.e. frequency of service, and can be found in Item 2f "Daily Bus Requirements by Routes" in Part II of this Exhibit.

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APPENDIX A

DESCRIPTION OF THE PROCEDURES FOR CARRYING OUT REDUCED FARE REQUIREMENTS FOR THE ELDERLY AND HANDICAPPED BY REGIONAL TRANSIT SERVICE, INC.

The off-peak hours have been defined by Regional Transit Service, Inc., (RTS) as follows: 9:00 a.m. to 3:30 p.m. and 6:00 p.m. to closing, Monday to Friday, inclusive, and the service hours of Saturdays, Sundays and Holidays. The peak hour fare on RTS is 40¢; therefore, the reduced fare for off-peak hours is one-half of 40¢ or 20¢.

A. ELDERLY

The medicare card will be used to identify elderly bus patrons as being eligible for a reduced fare during off-peak hours. All an elderly individual is required to do is show his medicare card to the driver and put 20¢ into the farebox to be eligible for a ride on the bus.

B. HANDICAPPED

A pass system, identifying handicapped individuals will be put into operation. Two (2) types of passes will be issued to handicapped individuals -- Temporary or Permanent.

Temporary passes will be issued on a quarterly basis. Each quarter new passes will be issued and be identified by color coding to insure that passes issued in the previous quarter are no longer valid. Individuals will be issued temporary passes if the disability is of a temporary nature. In order for the individual to qualify for a temporary pass, he must have a doctor's prescription attesting to the fact that he is temporarily disabled. The temporarily disabled person must bring the prescription to the General Offices of RTS so that a pass may be issued by the management. All the temporarily disabled person is required to do is flash his pass at the driver and place 20¢ in the farebox during off-peak hours for a trip on an RTS bus.

In order for permanently disabled or handicapped persons to qualify for a permanent pass, he must apply to any one of the participating social service agencies providing services to the physically or mentally handicapped in the community. The participating agency will submit a pass form provided by RTS to RTS management for countersigning and validation for the individual's lifetime use. The pass form will include a picture of the individual, his name and address.



GENESEE/FINGER LAKES REGIONAL PLANNING BOARD

Suite 500, Ebenezer Watts Building, 47 South Fitzhugh Street, Rochester, New York 14614
716-426-5610

ANNE E. AVERY, Chairman
PHILIP ROWLEY, First Vice Chairman
ARTHUR B. EDDY, Second Vice Chairman
HENRY W. WILLIAMS, JR., Treasurer
VIRGINIA T. DIEBOLT, Secretary
STUART O. DENSLOW, Executive Director

May 16, 1975

Mr. Robert P. Aex, Executive Director
Rochester-Genesee Regional Transportation Authority
1313 Crossroads Building
2 State Street
Rochester, New York 14614

Dear Mr. Aex:

The A-95 review of the letter of intent for a capital grant for the purchase of 23 transit coaches has been completed.

This purchase was included in the review of the Regional Transit System's bus purchase proposal of October 1974. The comments generated at that time remain valid for this proposal and are attached.

As with the previous submission, this proposal is consistent with Regional transportation goals and policies and funding is recommended.

This letter should be appended to your application submission to the Federal funding agency.

Sincerely,

Margaret Ely cb

Margaret Ely
Assistant Planner
Planning Assistance

ME:cb

RECEIVED

A 102

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
Raymond T. Schuler, Commissioner

1220 Washington Avenue, State Campus, Albany, New York 12226



SEP 15 1976

Mr. Robert P. Aex, Executive Director
Rochester-Cenese Regional
Transportation Authority
1313 Crossroads Office Building
2 State Street
Rochester, New York 14614

Re: Federal application for
proposed 1976/77 Capital Projects

Dear Mr. Aex:

Thank you for the Authority's application to the Urban Mass Transportation Administration requesting a federal mass transportation grant to purchase buses and bus stop shelters.

The application has been reviewed in accordance with provisions of Section 119-s, Subdivision 3 of the General Municipal Law. As required by the General Municipal Law I am approving the application as being consistent with the Statewide Master Plan for Transportation.

You may now submit an original and five copies of this application to the Urban Mass Transportation Administration. I would appreciate a copy of any acknowledgement and subsequent correspondence between the Authority and the Federal government.

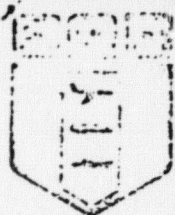
Sincerely,

R. T. Schuler
RAYMOND T. SCHULER
Commissioner

cc: Alexander J. Kopczynski,
Regional Director, Region #4

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ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

EXECUTIVE DIRECTOR
ROBERT P. AFX

February 2, 1976

COMMISSIONERS
CITY OF ROCHESTER
NETTY JEAN CHANCEY
Mayor
JAMES M. WHITE
Sergeant
MONROE COUNTY
ROBERT M. BLACK
JOHN J. PETROSKI
Asst. Sheriff
DWIGHT VANDEVATE
THOMAS E. McGRATH
GENESEE COUNTY
WILLIAM E. HANSON
LIVINGSTON COUNTY
HAROLD A. SHAY
Vice Chairman
WAYNE COUNTY
ROBERT D. WATERMAN

Mr. Stanley Feinsod
Acting Director
Section 5 Division
Room 9320
Urban Mass Transportation Administration
400 Seventh Street, S.W.
Washington, D. C. 20590

Dear Mr. Feinsod:

Re: Section 5 Capital Grant Application

On November 11, 1975 our agency transmitted an Application for a Section 5 Capital Grant to underwrite the cost of twenty-three (23) transit buses, twelve (12) suburban buses, five (5) small buses and twenty-four (24) bus shelters.

As a result of actions taken January 29 by the Policy Committee of the Metropolitan Planning Organization, Genesee Transportation Council (GTC), in adopting a final version of the Transit Element of the Transportation Improvement Program for 1976/77 to 1980/81, the Annual Element has been revised to reflect changes in funding source for Capital Grant Programs for the fiscal year 1976/77. I have enclosed a copy of the approved T.I.P. for your information. It is our desire to amend the existing Application in conformity with the Annual Element as approved by the MPO.

We would appreciate it if you begin your review of equipment for Section 3 funding as follows:

<u>Items</u>	<u>Total Project Cost</u>	<u>Section 3 Funding</u>
Suburban Buses	\$640,000	\$448,000
Small Buses	\$175,000	\$140,000
Bus Shelters	\$120,000	\$ 96,000

Please advise if you require any additional information.

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55 ST. PAUL STREET, ROCHESTER, NEW YORK 14604
SUBSIDIARY OPERATING CORPORATIONS:

REGIONAL TRANSIT SERVICE, INC. - 1724 MAIN ST., ROCHESTER, N.Y. 14609
DATA VIA RPS SERVICE, INC. - 5577 EAST MAIN ROAD, BATAVIA, N.Y. 14020

PHONE (716) 546-7310

Mr. Stanley Feinsod
February 2, 1976
Page -2-

All statements made and assurances given in the original Application will still apply upon revision of the original Section 5 Application as per our request.

Please also be advised that as a result of cash flow projections and overlapping local and federal fiscal years, we find it necessary to request that no approval of Section 5 funding for capital purposes be initiated for this project until the beginning of the new interim federal fiscal year, July 1, 1976.

Thank you for your consideration in this matter.

Sincerely,

Robert P. Aex

Robert P. Aex
Executive Director

RPA/jw

cc:Mr. John K. Taylor, UMTA, New York, N. Y.

A 105

Genesee Transportation Council

Transportation Improvement Program
For 1976/77 to 1980/81

- TRANSIT ELEMENT -

- Background
- Capital Cost (Figure 1)
- Operating Cost (Figure 2)
- Annual Element (Figure 3)
- Narrative Description of the Projects
- Transportation System Management Plan (Figure 4)

FINAL DRAFT

22
January 14, 1976

Prepared by the Council Staff

A 106

Genesee Transportation Council
Transportation Improvement Program
Transit Element

Background

The transit element of the short-range Transportation Improvement Program builds upon and updates the five year Transit Development Program developed for the Rochester Metropolitan area and endorsed on January 31, 1975 by Resolution 75-3 of the Genesee Transportation Council Policy Committee, and the annual program of transit projects approved on January 31, 1975 by resolution 75-6 of the Policy Committee of GTC.

This current transit element integrates and consolidates all the transit service, operation and capital improvements for the five fiscal year period beginning April 1, 1976 and ending March 31, 1981. The transit program was developed using the approved regional long range RMTS Transportation Plan, "The 1990 Transportation Plan," as a guide with more detail provided by the "Community Development Program for Public Transportation - Phase I Report" prepared by ECI Systems, Inc. which studied and evaluated the potential for modernized and expanded local bus service to serve the entire Rochester area and the potential for expanded Park and Ride bus service. The report was prepared through the Rochester-Genesee Regional Transportation Authority and endorsed by the Genesee Transportation Council.

The transit element is based upon recommendations of local, Regional and State agencies for improvements developed as a part of the continuing, comprehensive transportation planning process as provided for under the Unified Planning Work Program of the Genesee Transportation Council. Any additional recommendations for transit improvements are developed by the cooperative planning process. The transit element of the Transportation Improvement Program will be updated or amended as appropriate on a timely basis and at least annually through the Genesee Transportation Council.

The funding sources for carrying out the planned improvements include UMTA, FHWA, State, Regional, County and local funds. Federal regulations require the adoption of an annual element of transit projects for 1976/77 before the Federal funds for operating assistance and capital projects are available to the operating agency (RGRTA). Draft amendments identifying all the information for other projects in the transit element will be reviewed by the Program Coordinating and Technical Subcommittees and then the Planning Committee before action by the Policy Committee.

Figure 1 of the transit element includes the capital cost of transit improvements for the period April 1, 1976 to March 31, 1981, while figure 2 outlines the operating cost and revenues for the same period. Figure 3 contains the annual transit element for the fiscal year beginning April 1, 1976 and ending

March 31, 1977. Figure 4 lists those transit related elements of the transportation system management "plan" as identified in the Phase I report and discusses the status of each. The figures are presented on the following pages.

Genesee Transportation Council
Transportation Improvement Program

Figure 1
Transit Element Capital Costs for 1976/77 to 1980/81
(Dollars in Thousands)

Transit Improvement Project	Estimated Cost by Fiscal Year						Program Total 1976-81	Source of Funds	Agency Respon- sible	Estimated Completion Date	Length (Miles)	Remarks
	75/76	76/77	77/78	78/79	79/80	80/81						
1. Bus Replacement												
a. FTS Bus Replace- ment (standard vehicle)	3,200 (45 buses)	1,610 (23 buses)	1,725 (23 buses)	1,840 (23 buses)	1,955 (23 buses)		7,130 (92 buses)	UMTA NYSDOT RGRTA	RGRTA	1	--	\$70,000 per bus in 1976/77
b. SBS Bus Replace- ment (small buses)	65 (3 buses)	45 (2 buses)	48 (2 buses)	25 (1 bus)	27 (1 bus)		145 (6 buses)	UMTA NYSDOT RGRTA	RGRTA	1	--	\$22,500 per bus in 1976/77
2. Bus Fleet Expansion												
a. FTS Bus Fleet Expansion (standard vehicle)	620 (10 buses)	950 (12 buses)	595 (7 buses)	630 (7 buses)	760 (8 buses)		2,945 (33 buses)	UMTA RGRTA	RGRTA	1	--	\$80,000 per bus in 1976/77
b. PERT Bus Fleet Expansion (small buses)	480 (12 buses)	175 (5 buses)	800 (20 buses)	714 (17 buses)	45 (1 bus)		1,734 (43 buses)	UMTA	RGRTA	1	--	\$35,000 per bus in 1976/77
3. PERT Communications Equipment	226	--	40	37.4	2.5		79.9	UMTA RGRTA	RGRTA	1	--	Video screens, radio, etc.
4. PERT Satellite Garages	--	--	450	450	450		1,350 (3 garages)	UMTA RGRTA	RGRTA	1	--	PERT Garages in Greece, Irondequoit and Henrietta

Genesee Transportation Council
Transportation Improvement Program

Figure 1 (cont.)

Transit Element Capital Costs for 1976/77 to 1980/81
(Dollars in Thousands)

Transit Improvement Project	Estimated Cost by Fiscal Year						Program Total 1976-81	Source of Funds	Agency Respon- sible	Estimated Completion Date	Length (Miles)	Remarks
	75/76	76/77	77/78	78/79	79/80	80/81						
5. RTS Bus Shelters	--	120 (24)	60 (12)	60 (12)	60 (12)	60 (12)	300 (60 shelters)	UMTA NYSDOT RGRTA	RGRTA	1	--	About \$5,000 per shelter
6. RTS/ERT Transfer- Information Stations (4)	50	50	50	50	50	50	200 (4 stations)	UMTA RGRTA	RGRTA	1	--	About \$50,000 per station
7. RTS Service Vehicles (standard auto- mobiles)	--	--	12 (2)	15 (3)	18 (3)	18 (3)	45 (8 autos)	UMTA NYSDOT RGRTA	RGRTA	1		About \$5,000 per vehicle
8. RTS Bus Garage	6,800	5,400	-	-	-	-	5,400	UMTA NYSDOT RGRTA	RTS	4/77		
TOTAL	11,441	8,360	3,720	3,621.4	3,367.5		19,328.9					

One year after award of UMTA Capital Grant or about December 31 annually.

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Genesee Transportation Council
Transportation Improvement Program

Figure 2
Transit Element Operating Costs for 1976/77 to 1980/81
Dollars in Thousands

System	Item	1975/76	1976/77	1977/78	1978/79	1979/80	1980/81	Total 1976-81
1. RTD Bus Service	Operating Expenses ¹	11,579	13,069	16,218	17,637	19,635	21,601	89,160
	Less Depreciation	1,014	1,014	1,014	1,014	1,014	1,014	5,070
	Subtotal	10,565	12,055	15,204	16,623	18,621	20,587	83,090
	Revenue ²	6,383	6,140	8,360	8,990	9,225	9,748	42,513
	Balance (+ or -)	-4,182	-5,915	-6,844	-7,633	-9,396	-10,839	-40,577
	Operating Assistance							
	Local ³	932	1,479 ³	1,710	1,911	2,334	2,710	10,144
	State ⁴	932 ⁶	1,479 ³	1,710	1,911	2,334	2,710 ⁷	10,144
	Federal ⁵	2,310 ⁶	2,957	3,421	3,922	4,668	5,419	20,267
Total Operating Assistance		4,174	5,915	6,841	7,644	9,336	10,839	40,575

¹ Estimated Operating Expenses, includes Depreciation on Federal, State and Local Funded Assets

² Revenue Projections are based on existing fares.

³ Monroe County, (1.0%); Genesee County, (1.9%); Wayne County, (1.1%); Livingston County, (1.0%) for local match of State funds as mandated under Section 18-6 of the Transportation Law of New York State (1975). Assumes continuation of local matching funds requirement.

⁴ Funds available under Section 18-b of the Transportation Law of New York State, (1975). These funds are authorized and appropriated annually and it is assumed that these funds will continue to be available in increasing amounts in the future.

⁵ RTA, Section 5 Operating Assistance as published in the January 13, 1975 Federal Register. Funds available to Rochester in thousands of dollars for Federal Fiscal Years: \$1,505 in FY 1975; \$2,509 in FY 1976; \$3,262 in FY 1977; \$3,930 in FY 1978; \$4,226 in FY 1979; and \$4,317 in FY 1980.

⁶ Includes Federal funds appropriated in FY 75 and matched by Monroe County appropriation.

⁷ Note: RTA Federal Operating Assistance not authorized for 1980/81

⁸ Includes a \$547,000 increase in State Operating Assistance over previous year along with a \$547,000 increase in required local matching funds to RTA.

Genesee Transportation Council
Transportation Improvement Program

Figure 2 (cont.)
Transit System Operating Costs for 1976/77 to 1980/81
Dollars in Thousands

System	Item	1975/76	1976/77	1977/78	1978/79	1979/80	1980/81	Total 1975-81
2. BGS Bus Service	Operating Expenses ¹	118	129	148	165	175	190	827
	Less Depreciation	28	29	30	30	30	30	149
	Subtotal	90	100	118	135	145	160	678
	Revenue ²	36	34	35	40	45	45	199
	Balance (+ or -)	-54	-66	-83	-95	-100	-115	-453
	Operating Assistance							
	Local ³	18	18	21	24	25	29	117
	State ⁴	18	18	21	24	25	29	117
	Federal ⁵	36	36	41	47	50	57 ⁶	231
	Total Operating Assistance	72	72	83	95	100	115	465

¹ Estimated Operating Expenses, includes Depreciation on Federal, State and Local Funded Assets

² Revenue Projections are based on 70¢ base fare.

³ Genesee County

⁴ Funds available under Section 18-b of the Transportation Law of New York State, (1975). These funds are authorized and appropriated annually and it is assumed that these funds will continue to be available in increasing amounts in the future.

⁵ NYTA Section 5 Funds

⁶ Note: NYTA Federal Operating Assistance not authorized for 1980/81.

Genesee Transportation Council
Transportation Improvement Program

Figure 3

Annual Transit Element for 1976/77 (Operating Assistance and Capital)
(Dollars in Thousands)

		Source of Funds (1976/77 Costs)					Agency Res- ponsible	Estimated Completion Date	Length (Miles)	Remarks
Transit Improvement Project	1976/77	1976-81 Total Project	Federal		Local					
		Program Source	Amount	Agency	Amount					
Operating Assistance										
a. RTS Operating Assistance	5,915	39,177	UMTA (Section 5)	2,957	Local ³ NYSDOT ⁴	1,479.00 1,479.00	RGRTA	--	--	RTS Operating Assistance
b. SBS Operating Assistance	72	459	UMTA (Section 5)	36	Genesee Co. NYSDOT	18.00 18.00	RGRTA	--	--	SBS Operating Assistance
2. Bus Replacement										
a. RTS Bus Replacement	1,610 ¹	7,130	UMTA (Section 5)	1,288 ²	NYSDOT RTS	241.50 80.50	RGRTA	12/31/76	--	23 Standard vehicles
b. SBS Bus Replacement	45	145	UMTA (Section 3)	36	NYSDOT RGRTA	6.00 3.00	RGRTA	12/31/76	--	2 small buses
3. Bus Fleet Expansion										
a. RTS Bus Fleet Expansion	950 ¹	2,945	UMTA (Section 5) 3)	320 448 140	RGRTA NYSDOT RGRTA	192.00 26.25 8.75	RGRTA	12/31/76 12/31/76	--	12 standard buses 5 Buses-Section 5 7 Buses-Section 3 5 small buses
b. SBS Bus Fleet Expansion	175 ¹	1,734	UMTA (Section 3)							

Genesee Transportation Council
Transportation Improvement Program

Figure 3 (cont.)

Annual Transit Element for 1976/77 (Operating Assistance and Capital)
(Dollars in Thousands)

		Source of Funds (1976/77 Costs)								
Transit Improvement Project	1976/77	1976-81 Total Project	Federal		Local		Agency Res- ponsible	Estimated Completion Date	Length (Miles)	Remarks
			Program Source	Amount	Agency	Amount				
4. RTS Bus Shelters	120 ¹	300	UMTA (Section 3)	96	NYS DOT RGRTA	18.00 6.00	RGRTA	12/31/76	--	About 24 Shelters
5. RTS/PERT Transfer Information Stations	50	200	UMTA (Section 3)	40	RGRTA	10.00	RGRTA	12/31/76	--	1 station near Ridge and Dawey
6. RTS Bus Garage	5,400	5,400	UMTA (Section 3)	4,320	NYS DOT RGRTA	810.00 270.00	RGRTA	4/77	--	Total project cost \$14 million
SUBTOTALS			UMTA- Section 3	5,080	Local RGRTA NYS DOT	1,497.00 570.25 2,598.75				
TOTAL	14,347	57,490	UMTA- Section 5	4,601						
				9,681		4,666.00				

¹Grant application pending with UMTA

²Uses UMTA Section 5 Funds appropriated for federal FY 76

Wayne County, (26%); Genesee County, (1.9%); Wayne County, (1.1%); Livingston County, (1.0%); for local match of State Funds as mandated under Section 18-b of the Transportation Law of New York State (1975). Assumes continuation of local matching funds requirement.

Funds available under Section 18-b of the Transportation Law of New York State, (1975). These funds are authorized and appropriated annually and it is assumed that these funds will continue to be available in increasing amounts in the future.

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NARRATIVE DESCRIPTION OF PROJECTS - ANNUAL ELEMENT (OPERATING AND CAPITAL COSTS) FOR 1976/77

The projects included in the Annual Element for April 1, 1976 to March 31, 1977 are as follows:

Priority 1a - RTS Operating Assistance

This project consisting of operating assistance for the fiscal year 1976/77 under Section 5 of the UMTA Act of 1964 is for the purpose of maintaining the financial viability of the RTS system.

Priority 1b - BBS Operating Assistance

This project consisting of operating assistance for the fiscal year 1976/77 under Section 5 of the UMTA Act of 1964 is for the purpose of maintaining the financial viability of the BBS system.

Priority 2a - RTS Bus Replacement

This capital project is for the replacement of twenty-three (23) RTS buses as scheduled under the RTS bus replacement program. The buses to be replaced will be in excess of 12 years of age; these vehicles can no longer render satisfactory transit service; their replacement will enable RTS to maintain the desired quantity and quality of service.

Priority 2b - BBS Bus Replacement

This capital project is the replacement of two (2) Batavia Bus Service vehicles as scheduled under the BBS bus replacement program. BBS renders Dial-A Bus service offering a full range of services, using small body-on truck chassis-type vehicles. The buses to be replaced are in excess of 4 years of age and can no longer render satisfactory service; their replacement will enable BBS to maintain the desired quantity and quality of service.

The federal share of the cost of this project is to be funded under UMTA Section 3 (a grant application was approved prior to the Section 5 Legislation). The State's share of the cost of this project is in the 1974/75 State Budget.

Priority 3a - RTS Bus Fleet Expansion

This capital project is for the purchase of twelve (12) additional buses as required by the Phase I Transit Improvement Program adopted by the Policy Committee of GTC. Acquisition of these additional vehicles will enable RTS to implement cross-county service, Park & Ride and urban express service as called for in the Transportation Improvement Program.

Priority 3b - PERT Small Bus Fleet Expansion

This capital project is for the purchase of five (5) small buses as required by the Phase I Transit Improvement Program adopted by the Policy Committee of GTC. Acquisition of these additional vehicles will enable RTS to implement transit service in portions of the Towns of Brighton and Henrietta in 1976/77.

Priority 4 - RTS Bus Shelters

This capital project will finance the construction of bus shelters throughout the RTS service area. These bus shelters will be used to provide minimum shelter for bus patrons of the system.

Priority 5 - RTS/PERT Transfer-Information Stations

This capital project will finance the construction of transfer stations as required in the Transit Improvement Program; these transfer stations are designed to accommodate bus patrons transferring between fixed-route service and demand-responsive service in the RTS service area.

Priority 6 - RTS Bus Garage

This capital project has been approved by UMTA and is under construction with an estimated completion date of April 1977. The project should continue to be a high priority to insure timely completion. Phase I Administrative Offices and Maintenance Facilities are scheduled for completion in February 1976.

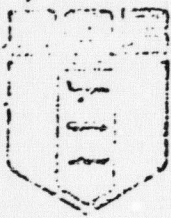
Genesee Transportation Council
Transportation Improvement Program
Transit Elements from the Transportation System Management Plan

Figure 4

<u>Segment</u>	<u>Status of Implementation</u>
1. Reserved transit lanes	7.2 Miles of Reserved one way bus lanes in operation 1.1 Miles of Reserved one way bus lanes in operation (State St.)
2. Improved Bus Flow through the CBD	- Free bus service downtown implemented July 1975
3. Traffic Signal Pre-Emption	- Pending State approval of computerized traffic signal system study.
4. Traffic action designed to give bus priorities	- Under study
5. Demand-Responsive transit	- 15 vehicle system in operation in Greece
6. Integrated Transit Service	- Under study as part of PERT Demonstration Project
7. Car/Van Pooling	- Abort Vanpool Demonstration program underway

¹Based on ECI Phase I "Comprehensive Development Program for Public Transportation"

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ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

EXECUTIVE DIRECTOR
ROBERT P. ALX

May 18, 1976

Mr. Jerome C. Premo
Associate Administrator for
Transit Assistance
Department of Transportation
Urban Mass Transportation Administration
400 Seventh Street, S.W.
Washington, D. C. 20590

Dear Mr. Premo:

Re: Letter of May 6, 1976
Project #NY-05-0003 and
Project #NY-03-0064-02

Please be advised that both Regional Transit Service, Inc. (RTS) and Batavia Bus Service, Inc. (BBS) are in the process of signing interim charter agreements with UMTA. Our attorneys are in contact with Prentiss Cook, Esq. of the Office of Chief Counsel and we are planning to deliver required documentation Thursday, May 20, 1976. The interim agreement should be signed within the next week or so and a final agreement concluded shortly thereafter, for both RTS and BBS.

It is my intent to satisfy those questions which you have raised with respect to equipment requested in our Section 3 Application, but first it is necessary to state that all equipment requested, with the exception of the five small buses, is required for replacement or to maintain present level of service. Since the Applications have been submitted, RTS has implemented the planned expansions and/or satisfied the increasing demands for service. The twelve (12) suburban coaches will replace transit coaches that have been pressed into service as a result of increased Park and Ride demand. The five (5) small buses were scheduled for Dial-A-Bus service and are of a developmental nature. It was decided at a meeting of the Finance Committee of the Rochester-Genesee Regional Transportation Authority today that the Authority would not pursue an Application that included the five (5) small buses. However, it is extremely necessary that all other equipment (the twenty-three (23) transit buses, the twelve (12) suburban coaches and the twenty-four (24) bus shelters) be approved to sustain RTS capital requirements to maintain the existing level of service presently provided.

Question: Does RTS still intend to implement service expansions which create the need for additional equipment?

Answer: RTS does not intend to implement service expansions which create the need for additional equipment. Therefore, it is requested that approval be withheld for the five (5) small buses requested in Project #NY-03-0064-02 until such time as a change in policy has been adopted to expand the present Dial-A-Bus program.

COMMISSIONERS
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LIVINGSTON COUNTY
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Vice Chairman
WAYNE COUNTY
ROBERT D. WATERMAN

Mr. Jerome C. Preno

May 18, 1976

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Question: If so, how will the operating cost be financed for this new service?

Answer: Since no new, local service will be implemented directly by Regional Transit Service, operating costs will not be affected. The implementation cost of Park and Ride service programmed to begin in September will be underwritten entirely by the Rochester-Genesee Regional Transportation Authority at no cost to Regional Transit Service, Inc. and will not require additional equipment to begin service. Bus shelters which have been requested are not a service expansion item, per se. The cost of maintenance for the twenty-four (24) shelters is considered acceptable and within present budgetary authorization.

Question: Will cost of new service force RTS to make even more cutbacks?

Answer: No. The present RTS Budget adopted for fiscal year 1976/77 does not require the reduction of present level of service. Maintenance of effort and local share funds are available for this purpose and have either been appropriated or mandated. The adopted Budget reflects only minor adjustments in scheduling which a recent study, underwritten by the Unified Work Program, has shown to be necessary in order to operate more efficiently.

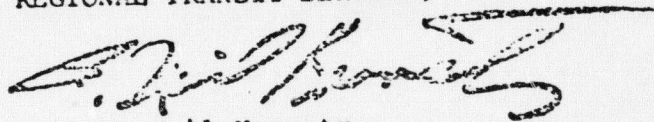
Question: What steps are being taken to secure long-term operating assistance?

Answer: The question has been placed before the local Metropolitan Planning Organization, Genesee Transportation Council. GTC will ultimately recommend the type of viable funding mechanism for public bus service for each county in the region. This is an element of the local planning process for this year to study the various options for local funding available.

If we can be of further service, do not hesitate to contact us.

Sincerely,

JAMES M. WHITE, ACTING PRESIDENT
REGIONAL TRANSIT SERVICE, INC.



By: R. Neil Kravetz
Manager, R-GRTA

RNK/jw

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EXHIBIT M - ELDERLY AND HANDICAPPED

CHRONOLOGY OF EVENTS AND ACTIONS OF THE
ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY
RELATING TO THE NEEDS OF THE ELDERLY AND HANDICAPPED

<u>Date</u>	
Jan. 18, 1972	- Appointment of Commissioners Robert O'Brien and Hetty Jean Crapsey to an <u>Ad Hoc Committee to investigate the needs of the Elderly and Handicapped.</u>
Dec. 18, 1972	- Adoption of a Goals and Policy Statement, "Make Vehicles and Facilities Acceptable to Senior Citizens and Handicapped Persons".
April 24, 1973	- Passage of Resolution No. 7 - 1973 to permit full accessibility and use of the Charlotte to Henrietta Rail Corridor facility by handicapped persons.
June 12, 1973	- After considerable study, the Authority recommended a program to the Monroe County Legislature to maintain the existing reduced fare level for seniors through the use of Federal Revenue Sharing Funds.
June 26, 1973	- The Elderly and Handicapped Ad Hoc Transportation Committee was given permanent status as a standing committee.
Aug. 28, 1973	- Established by Resolution that each Dial-A-Ride system shall have one bus with a lift to serve mobility handicapped persons and appropriated \$2500 to cover the cost of installation of a lift and a bus to be used in the Greece Dial-A-Ride area.
Aug. 28, 1973	- Adopted Resolution No. 19 - 1973 appropriating \$2600 to install fifteen seats in bus stop shelters serving the comfort and convenience of the elderly and handicapped. *
Oct. 29, 1973	- Elderly and Handicapped Committee met with handicapped and their representatives at the Al Sigi Center to view the first bus fitted with a lift to be put into Dial-A-Ride service. As a result of the meeting, operating procedures for handicapped service were developed and design criteria for acquisition of additional buses were discussed.
Nov. 27, 1973	- Authorized by Resolution No. 30 - 1973 to explore the role of public transportation in the delivery of social services with the Rochester Community Chest.
Feb. 20, 1974	- Transmittal of an offer to the Transportation Committee of the Monroe County Area-wide Model Project Program (Integrated Day Care Service Program for Elderly) to provide contract bus service to selected nursing homes offering Day Care Service to the elderly.

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Date

- Sept. 4-5,
11-12 &
17, 1974 - Organized and sponsored, in cooperation with the Citizens Action Council, public meetings called "Listen Ins" in the Greece, Pittsford, Rochester, Irondequoit and Gates areas of Monroe County to elicit citizen input into the development of "Phase I" of a Comprehensive Transit Plan.
- *Sept. 25, 1973 - Participated in the development and evaluation of a questionnaire in cooperation with the Monroe County Council on the Aging which investigated the transportation needs of the Elderly, Handicapped and Child Day Care Services.
- Jan. 3, 1975 - Comprehensive Development Program for Public Transportation - Phase I - completed.
- Jan. 28, 1975 - Adopted Resolution No. 2 - 1975 reducing the fare for the elderly and handicapped to half of regular peak hour fare during off-peak periods, Saturdays, Sundays and Holidays.
- Feb. 14, 1975 - RTS administrative personnel and PERT drivers completed an instructional course at the Al Sigl Center to acquaint them with the physical and personal needs of the handicapped.
- Apr. 7, 1975 - First Dial-A-Bus with facilities to transport the handicapped was placed into service in Greece.
- May 1, 1975 - RTS incorporated a program in cooperation with the Association for Retarded Children so that mentally handicapped persons may learn how to use public transit in actual transit situations.
- May 28, 1975 - Adopted Resolution No. 12 - 1975 authorizing the lease purchase of three specially equipped FMC buses to serve the elderly and handicapped for use in the Dial-A-Ride areas.
- June 15, 1975 - Implemented half fare of 20¢ for the elderly and handicapped.
- June 23, 1975 - Began special service for the handicapped from Greece and Irondequoit to twelve locations in the Rochester urban area.
- June 24, 1975 - Adopted Resolution No. 14 - 1975 restating the Authority's position in serving the needs of the elderly and handicapped. They are as follows:
1. One out of ten Dial-A-Buses will be equipped with a lift to serve mobility handicapped.
 2. All future Dial-A-Buses purchased will be equipped with a low step no more than eight inches from the ground.
 3. All Dial-A-Buses and fixed-route buses will be equipped with necessary grab rails, seating and lighting to serve the elderly and handicapped.

- | <u>Date</u> | |
|------------------------------|--|
| June 24, 1975
(continued) | - 4. All future fixed-route buses will be equipped with a kneeling feature to lower the first step.

5. All fixed-route buses will have two seats in the front of the bus directly behind the driver reserved for handicapped persons. |
| Sept. 1, 1975 | - Comprehensive Development Program for Public Transportation - Phase II - completed. |
| Oct. 23, 1975 | - As a result of recommendations by the Elderly and Handicapped Transportation Committee, Identity Cards issued to the handicapped to authenticate one-half fare privileges were modified. The term "Handicapped Fare" was deleted and replaced with the phrase "Special Fare". |
| Nov. 7, 1975 | - Signs were installed in all buses reserving the front two seats behind the driver for the handicapped. |
| March 9, 1976 | - The first of forty-six new buses purchased last year were received and placed into service. Nineteen transit coaches and twenty-seven suburban buses are all equipped to lower the front step four to six inches. They are commonly referred to as "Kneeling Buses". This feature will aid senior citizens and individuals who are unable to climb aboard a bus with a high first step as a result of a physical handicap. |
| March 30, 1976 | - An appropriation of \$12,500 was authorized to underwrite one-half the cost of a joint study to be undertaken by Rochester-Genesee Regional Transportation Authority and the United Community Chest of Greater Rochester to "evaluate existing transportation service as provided by the United Community Chest agencies and to formulate a transportation service plan". |

RNK/jw

MINUTES OF THE AUTHORITY AD HOC COMMITTEE
ON
TRANSPORTATION PROBLEMS OF THE SENIOR CITIZEN
AND HANDICAPPED INDIVIDUAL

THOSE PRESENT: Commissioner Jean Crapsey; Commissioner Robert O'Brien; Commissioner Robert H. Black, Ex-Officio

ALSO PRESENT: Sam Fisher, Council on Aging; R. Neil Kravetz, Staff

TIME AND PLACE: March 14, 1972 at 10 a.m. in the Board Room of R-GRTA

The Ad Hoc Committee composed of Commissioner Crapsey and Commissioner O'Brien have been addressing themselves to the problem of providing transportation services to the physically handicapped. Both have been working with representatives from the Al Leigel Center to assess the extent of the transportation problem that the handicapped are experiencing. Mr. Fisher, on the other hand, has been attempting to solve the transportation problems of the Senior Citizens. The Council on Aging have been expressing their concern over the lack of basic transportation programs specifically oriented to meet Senior Citizen requirements and that of the physically handicapped. He stated that many of our Senior Citizens are also physically handicapped.

Mr. Fisher remarked that the Federal Government has developed various types of programs for Senior Citizens, which if properly implemented, can complement a whole host of social and economic activities. These programs are geared to bring the Senior Citizen back into the mainstream of our society as a useful and productive member. It was pointed out that among the many Federal programs that may have applicability is the FOSTER GRANDPARENTS PROGRAM. The Foster Grandparents Program underwrites the cost of providing supportive person-to-person service to health, education, welfare and related settings to children having exceptional needs.

Mr. Kravetz related that a program of transporting pre-school aged children using "Foster Grandparents" as supervisory personnel aboard each bus to insure safe and responsible door-to-door service may be a way in which this Authority can serve a useful social function and meet some basic transportation requirements in a unique manner. Cost of providing Foster Grandparents services and transportation can be made part of the tuition charge by each Day Care Center. Day Care Centers can then contract for subscription service for their clients.

During the times of day when transportation is no longer needed to service Day Care Centers, the same vehicles may be utilized to transport the physically handicapped. This type of service could be provided on an Advanced Reservation basis (all vehicles that would be required to service Day Care Centers would also be equipped to meet the needs of the physically handicapped).

In order to determine the scope and magnitude of the problem, Sam Fisher has contacted representatives of Day Care Centers to attend a meeting on

March 14, 1972

March 20, 1972 to discuss their clients' transportation problems. This contact will be used to acquire the information needed to assess the existing geographic situation, time relationships and financial arrangements that are present in order to implement a transportation system that could adequately provide door-to-door service.

Mr. Kravetz was instructed to continue his investigation to develop the necessary data required to arrive at a definition of the problem.

Mr. Fisher stated that maintaining the reduced Senior Citizen fare and developing specific programs geared to the needs of the Senior Citizens could provide the Authority with a base of public support. He suggested that the Senior Citizens would join with the Authority to see out and promote public sources of subsidy.

Respectfully submitted,



R. Neil Kravetz

RNK:gs

MINUTES

OF

AD HOC COMMITTEE FOR TRANSPORTATION NEEDS
OF THE ELDERLY, HANDICAPPED & DAY CARE CENTERS

MEETING HELD ON THURSDAY, MARCH 1, 1973
AT 11:30 A.M.

Present: H. Jean Crapsey, Commissioner; R. Neil Kravetz, Planner;
William H. Morris, Jr., Project Manager; Richard Richter,
Seelye Stevenson Value & Knecht; James E. Stewart,
Seelye Stevenson Value & Knecht and David Franko,
Project Director, Niagara Frontier Transportation Authority

At the request of Mr. Franko, Project Director, Niagara Frontier Transportation Authority, a meeting was held to discuss Federal requirements pertaining to the special needs of the elderly and handicapped.

Mr. Franko informed us that legal counsel for the NFTA has confirmed that accessibility must be provided the Senior and the handicapped. He stated that the NFTA attorneys are of the opinion that we (the Transportation Authority) have no alternative but to include the needs of the elderly and the handicapped within the framework of service and facilities provided to the general public. He discussed the Washington Metropolitan Area Transportation Authority and BART experiences in dealing with the "formidable handicap lobby." He quoted from a series of Congressional hearings in this regard.

Because of Federal requirements, NFTA is in the process of developing special technical studies that include the needs of the elderly and handicapped, acoustical studies, station impact analyses and a study regarding the use of bicycles as it may affect their rapid rail transportation program.

Mr. Franko suggested that Jean Crapsey call Bill McCahill about unanswered correspondence addressed to the President's Council for the Handicapped. McCahill is located in the Department of Labor.

Mr. Franko provided us with copies of the following documents:

- 1) UMTA External Operating Manual - Page IIE-9 - noting requirements for special technical study on Aged and Physically Handicapped
- 2) Synopsis of Provisions for Aiding the Physically Handicapped in the State Building Code
- 3) Comments by Governor Rockefeller approving Bill No. S-8390(1972): "An Act to amend the public buildings law . . . accessible to physically handicapped persons."
- 4) Copy of above Act: Chapter 656 Laws of 1972.
- 5) Copy of P.L. 91-205: Certain Buildings financed with Federal funds be designed and constructed to be accessible to physically handicapped. Also, P.L. 90-480, same subject.
- 6) "Involvement of Technical Studies and Capital Grant Programs in Aged and Handicapped."

Respectfully submitted,

H. Jean Crapsey, Commissioner

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MINUTES

OF

AD HOC COMMITTEE FOR TRANSPORTATION NEEDS
OF THE ELDERLY, HANDICAPPED & DAY CARE CENTERS

MEETING HELD ON THURSDAY, MARCH 8, 1973
12:00 NOON

Present: H. Jean Crapsey, Commissioner; R. Neil Kravetz, Planner;
Gary R. Merritt, Program Coordinator, Areawide Model Program;
Pat Tanneyhill, Areawide Model Program; Jack Garrity,
Superintendent of Transportation, RTS; Barbara Stevens,
Medical Motor Service; Frank Ryan, Traffic Manager, Kodak

Subject: Meeting to discuss the possibility of RTS providing transportation
for county day care program for the elderly.

Mrs. Crapsey welcomed those present and requested Mr. Merritt provide us
with a brief synopsis of the proposed elderly day care program.

Mr. Merritt pointed out that initially the day care program will provide
service to Seniors in probably three locations: St. Ann's Home, St. John's
Home and the Jewish Home for the Aged. The purpose of the program is to
prevent needless and unnecessary institutionalizing of Seniors. Therefore,
transportation is critical to the program.

It is contemplated that initially 90 persons per day will participate; each
of the three centers will serve 30 Seniors. It is anticipated that the
hours of operation will begin at 9 A.M. in the morning and end at 4:30 P.M.
in the afternoon. Mr. Garrity informed Mr. Merritt that if he could organize
the hours of operation to coincide with off peak periods, a considerable
cost savings could accrue. Vehicles serving these individuals would require
attendants. Attendants could also be used for staff purposes in the nursing
homes. Jack Garrity stated that service of this type is not unlike a day camp
operation where counselors are aboard the bus in the morning and in the evening
to take the responsibility for pick ups and drop offs.

Mr. Merritt stated that he assumed that there will be five to six wheelchair
cases requiring transportation to each of the three day care centers. This
appears to be Mr. Merritt's best guess since he stated there was no way of
pre-determining what type of people will be transported and/or their locations
at the present time.

Mr. Kravetz pointed out that six buses plus a back up vehicle will be needed
to provide the type of service required. Frank Ryan stated that possibly
the vehicles should be able to handle at least 15 passengers including space
for three to four wheelchairs.

March 8, 1973

All those present concurred that no commitments could be made at this time. However, a letter providing us with the nature and specifications for the service required will be sent to Mrs. Crapsey. This will include hours of operation, whether or not attendants shall be furnished, time constraint with respect to trip length and etc. This information will be used by the Authority as a basis for determining whether or not services can be provided and how much the service would cost to operate a transportation program for Senior Citizens day care needs.

Respectfully submitted,

H. Jean Crapsey
H. Jean Crapsey, Commissioner

RNK:gs

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MINUTES OF

AD HOC COMMITTEE FOR TRANSPORTATION NEEDS
OF THE ELDERLY, HANDICAPPED AND DAY CARE CENTERS

MEETING HELD IN THE BOARD ROOM OF THE R-GRTA
ON THURSDAY, MARCH 22, 1973 at 12 NOON

PRESENT: Commissioner H. Jean Crapsey, R-GRTA
R. Neil Kravetz, Planner, R-GRTA
Betty Schaefer, representing Mayor Stephen May
Dorothy Serdenis, Federal Program Review
Earl W. Fahy, Rochester Rehabilitation Center
Frank P. Ryan, Eastman Kodak Company
William J. Allen, Monroe County Council on Aging, Inc.
Gary Merritt, Areawide Model Program
Richard Infarinato, M.C.D.S.S., Senior Citizen Liaison
Edward Bryant, N.Y.S. Education & Vocational Rehabilitation
William C. Kelly, Monroe County Legislator

Mrs. Crapsey stated that the answer to transportation problems of Senior Citizens and handicapped individuals is not simple. The problem is two-fold: The first is economic in nature and involves obtaining some form of subsidy, and the second is meeting the physical requirements of hardware and programs.

Addressing herself to the topic of subsidies, she informed the Committee that Ken Jones, Director of Federal Program Review for the City of Rochester, had informed her in his letter of February 15, 1973 of the programs that may be available. However, his letter was not optimistic with respect to subsidizing the fares of Seniors and the handicapped.

Mrs. Crapsey explained that there are three sources of subsidies. The first appears to be the provision for a fare subsidy to the elderly only. Funds may be acquired from the Department of Health, Education and Welfare, under Title 3 of the Older Americans Act of 1965. The second possible source of funds to underwrite subsidies may be available from revenue sharing funds. At the present time, it is not known how much has been allocated for transportation use or whether or not these funds will be provided for any form of transportation program. The third alternative involves across-the-board subsidy from either local, state or federal governments to underwrite the cost of transportation for the entire bus riding public. This appears to be the least likely solution.

Mrs. Crapsey then turned her attention to the Areawide Model Program (AWMP). She pointed out that conferences have been held with Messrs. Gary Merritt and Frank Ryan to discuss the possibility of servicing the Senior Citizen Day Care Program with transportation. In this regard, RTS would act as an independent contractor. Mrs. Crapsey asked Mr. Merritt the status of the AWMP. Mr. Merritt informed those present that the AWMP has not been fully funded. However, monies

would be available if the President signs an appropriation bill, of which the program is a part. In addition, HEW funds must also be appropriated for the operational phase of the AAMP. If Congress acts, the program could be funded as early as July, or as late as January. In addition, if the Older Americans Act is not funded, the whole project will come to a halt unless a letter of continuance is authorized by the appropriate federal agency. In the meantime, Mr. Merritt is proceeding as if programs will be funded and made operational within the very near future.

Mrs. Crapsey asked Mr. Kravetz to explain what his investigation turned up with respect to the activities of other counties regarding subsidizing Senior Citizen fares. Mr. Kravetz informed those present that both Rensselaer County and Albany County have taken action in this respect. Rensselaer County has appropriated monies for the local Senior Citizens Council (Rensselaer County Senior Citizens Coordinating Project) in the amount of \$21,000 of which the sum of \$11,000 will be used to reduce bus fares for the elderly. The local transportation authority sells the Coordinating Committee 35¢ tokens for 33¢. The Coordinating Committee then sells these tokens for 20¢ each to the Senior Citizens. Rensselaer County provides a 13¢ subsidy to the Committee. In addition, Rensselaer County has placed appropriate resolutions to establish a Senior Citizens Department as an integral arm of county government and providing it, with the Authority, to apply for funds to the State under Title 3 of the Older Americans Act of 1965.

Bill Allen explained the provisions of the Older Americans Act and pointed out that the State of New York has attempted to take leadership in this area. He stated that the present policies of the State in regard to Seniors is to develop a central focal point to serve Seniors so that they may work within the establishment to accomplish their ends.

Mr. William Kelly, Monroe County Legislator, wanted to know the amount of money that would be required to operate a program of fare subsidy for Seniors in Monroe County. Mr. Kelly was informed that these figures were not available at the present time; however, Mr. Kravetz said he would investigate the matter and provide Mr. Kelly with the information he requires.

It was decided, in concurrence with existing retirement practices, that a Senior Citizen would be defined as any individual 65 years of age or older. Mr. Merritt wanted to know whether the Rensselaer program was open ended or closed ended. Mr. Kravetz stated it was his opinion that the legislation as written is closed ended. However, this does not preclude the fact that when monies run out, additional funds may be appropriated as an emergency measure. It is assumed that the monies used to underwrite the fare subsidy will be based upon ridership levels experienced in the community.

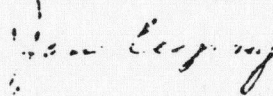
The Authority has been solidifying its plans for a Dial-A-Bus program to be operated in the northwest area of the City of Rochester. Mrs. Crapsey pointed out that there are two major Senior Citizen housing developments located in

this area. M.I.T. has designed the system and identified the area for implementation. Although this area does not have the highest concentration of Seniors living here, other criteria were used to select this site, such as the proximity of employment centers to workers. Mrs. Crapsey pointed out that it is extremely important that the success of establishing Dial-A-Bus in Monroe County is dependent upon the degree of success experienced in Greece and Charlotte.

A question was brought up with regard to the possibility of social service agencies funding transportation requirements of Seniors and handicapped. Mrs. Crapsey stated that this type of approach should be initiated by social service organizations themselves. We have investigated the matter and we feel that this is something that they should be responsible for.

Bill Allen pointed out that in May, the Monroe County Council on Aging is going to develop an all out effort to organize possible arrangements to encourage transportation funding in the budgets of social service agencies. In fact, a conference is going to be held to discuss the entire range of transportation problems facing this segment of our population. Mrs. Crapsey will probably be requested to discuss this matter as it pertains to the Authority's responsibility. Mr. Fahy pointed out that no matter what is done, there is a lack of information concerning who the handicapped are, their numbers, their locations, and their needs. He was of the opinion that research should be undertaken to determine the magnitude of the problem.

Respectfully submitted,



H. Jean Crapsey, Commissioner

RNK:gs

MINUTES OF

AD HOC COMMITTEE FOR TRANSPORTATION NEEDS
OF THE ELDERLY, HANDICAPPED AND DAY CARE CENTERS

MEETING HELD IN THE BOARD ROOM OF THE R-GRTA
ON THURSDAY, APRIL 12, 1973 AT 10:30 A.M.

PRESENT: Commissioner H. Jean Crapsey, R-GRTA
R. Neil Kravetz, Planner, R-GRTA
Colin Alter, Project Coordinator, RTS
Willard (Bill) Knope, President, Senior Citizen Action Council (SCAC)
Florence E. Carpenter, Program Director, Monroe County Council on
Aging, Inc., SCAC Advisor

Mrs. Crapsey welcomed all present and began by summarizing the events that have resulted in today's meeting with representatives from SCAC. Mrs. Crapsey explained that when R-GRTA acquired RTS, the Authority inherited a reduced fare program for Senior Citizens established by the City of Rochester. The reduced fare plan has caused certain inequities to occur; namely, the fact that those individuals who are riding the system and paying full fare are in reality subsidizing the Senior Citizens who ride at reduced fares. This is a result of enabling legislation which mandates that the Authority maintain a breakeven financial posture in their transit activities. Generally speaking, those individuals who make up the bus riding public are usually transit dependent and are least likely to afford the cost of transportation. This added responsibility puts an undue burden upon the full fare customer accruing from the loss in revenues due to fare reductions. Therefore, this burden should be shifted from the present full fare paying bus riding public to the community as a whole.

Mrs. Crapsey emphasized that the primary purpose of the meeting is not to essentially dwell on the problem of reduced fares and revenues, but to investigate a solution that will be mutually advantageous to the Seniors as well as to the Authority-RTS. The solution to the problem lies in developing a transit subsidy from the community at large; namely, Monroe County. The focus of the subsidy would be on the individual and not on the transit operator; in this case, RTS. In order to develop this program, it is necessary to establish the total number of bus riding Seniors who use the system annually.

Mr. Colin Alter has directed two studies approximately 18 months apart that provide us with a basis for determining the annual count of passengers who are Senior Citizens 65 years of age or older. Mr. Alter explained that the results of both studies illustrated that approximately 20% of those individuals who ride in off peak daylight hours were Senior Citizens. The April 1970 study showed 18% were Seniors, and the December 1971 study showed that 21% who rode during the comparable period of time were Seniors. Based upon his computations, Senior Citizens riding the system amount to 1,929,000 people annually.

Mr. Neil Kravetz reviewed the proposal for solving the subsidy problem with the Seniors. He explained how precedents have already been established by Rensselaer and Albany Counties in the Mohawk Valley. Through the efforts of the local Senior Citizen Council and the legislative bodies of each county, a program was established to underwrite the cost of bus tokens. The tokens were purchased from the local Authority with monies appropriated by the respective county legislatures. These tokens were then sold to the Seniors at a reduced cost. Mr. Kravetz stated that the same type of program can be implemented in Monroe County. This program can be administered either by the Monroe County Council on Aging, Inc. or through the creation of a County Department of Aging, or by a combination of both above.

This solution would eliminate the need for RTS to provide a transit subsidy to this group. The county would be responsible for an income supplement as a social service function. The Seniors themselves would insure eligibility and provide the administrative staff resources to maintain the program.

Mr. Knope stated that he could not make any decision at this time; that the ridership figures would have to be presented to the board members who comprise the Senior Citizen Action Council. It was decided that because of the nature of the program, that an extremely high priority should be placed upon action of SCAC. It was decided that a meeting would be arranged for Thursday, April 19, 1973, at 1 P.M. in the Board Room of the R-GRTA. At that time, the board members of SCAC would be presented with the proposition and hopefully positive action could be taken. Upon concurrence from SCAC, facts and figures would then be transmitted to William C. Kelly, Monroe County Legislator. It would then be the responsibility of the Seniors to insure implementation of the solution.

Respectfully submitted,

H. Jean Crapsey

H. Jean Crapsey, Commissioner

RHK:gs

A 132

MINUTES OF
AD HOC COMMITTEE FOR TRANSPORTATION NEEDS
OF THE ELDERLY, HANDICAPPED AND DAY CARE CENTERS

MEETING HELD IN THE BOARD ROOM OF THE R-GRTA
ON THURSDAY, APRIL 19, 1973 AT 1:00 P.M.

PRESENT: Commissioner H. Jean Crapsey, R-GRTA
R. Neil Kravetz, Planner, R-GRTA
Florence E. Carpenter, Monroe County Council on Aging, Inc.
Willard Knope, Senior Citizens Action Council (SCAC)
Colin Alter, Project Coordinator, RTS
Stuart Boyce
Clifford L. Zecher
William J. Tagart
Charles E. Bussell
Samuel Miller
Harlan Hart
Mrs. Harlan Hart
Dorothy M. Decher
Philip Weintraut
Charles W. Hinton
Franklin Ernisse

Commissioner Crapsey informed those present that this meeting was called as a result of exploratory discussions with Bill Knope and Florence Carpenter in regard to maintenance of the 25¢ reduced fare for senior citizens. She explained that we are in the process of trying to develop subsidies from local, state and federal sources.

Mrs. Crapsey stated that two courses of action were open:

1. Across the board subsidy for all transit riders.
2. Subsidies for special groups such as senior citizens.

A study conducted by Carnegie-Mellon University upon the "Impact of Transit Ridership and Revenues of Reduced Fares for the Elderly" found that while new trips were attracted by the lower fare, the system overall incurred an annual net loss due to the reduced fare policy. The loss occurred because the increase in revenue generated by additional patronage during off-peak hours was offset by decreases in revenues created by shifts in ridership (from peak to off-peak hours) and by lost revenues on off-peak trips (trips that would have been made in any event).

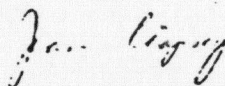
In the case of Regional Transit Service, Inc., the cost of operation must be made up by the fare box. Therefore, any reduction in fares for one group of riders must be absorbed by the remaining ridership, either in higher fares or in reduced services. However, the Authority would like to develop a program whereby the community overall absorbs the cost and thereby reduces the financial burden to the general ridership.

In order to accomplish this, a statistical data base must be established. Commissioner Crapsey explained that it is imperative that we establish ridership figures that would reasonably represent the number of senior trips. When this is accomplished, County Legislator William Kelly can take these figures to the County Legislature to support the need for and determine the amount of a local subsidy.

Mrs. Crapsey then turned to Colin Alter, Project Coordinator of the RTS staff, to explain the results of two studies that were made under his direction. Mr. Alter related that the April, 1970, study of mid-day ridership found that 18% of the passengers were reduced fare paying customers. The December, 1971 study of mid-day ridership brought out that 21% of the mid-day riders were senior citizens paying a reduced fare. Utilizing this data as a beginning, he concluded that there are approximately 1,939,000 senior citizen trips per year.

It was agreed by all present that subsidies should be tied to ridership. The seniors would return with an answer to our request that they either support the figures as presented or they themselves would provide figures that can be substantiated so that we can present Mr. Kelly with the information he is seeking. It was agreed that the seniors would reply within the very near future to this request.

Respectfully submitted,



H. Jean Crapsey, Commissioner

RNK:gs

RESOLUTION

WHEREAS, "in the Urban Mass Transportation Administration Act of 1964 it is declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation should contain provisions implementing this policy", and

WHEREAS, "in addition to the grants and loans otherwise provided for under this Act, the Secretary is authorized to make grants or loans for the specific purpose of assisting states and local public bodies and agencies thereof in providing mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons", and

WHEREAS, the R-GRTA has adopted a policy of "accessible land transportation" systems, and

WHEREAS, 13.6 percent or 40,392 persons in the City of Rochester, and 10.0 percent or 68,887 persons in Monroe County are 65 years of age or older, with the attendant physical needs of their years, and

WHEREAS, the 1970 Decennial Census enumerated 21,438 persons in Monroe County disabled or handicapped that are in the labor force, (age 16 to 64), and

WHEREAS, the National Institute for the Deaf is building new facilities on the RIT Campus, which will introduce to this area a proportionally large deaf population, and

WHEREAS, the facilities of R-GRTA are to a great degree inaccessible to the aforementioned

NOW, THEREFORE, BE IT RESOLVED that this Authority shall seek out and endeavor to obtain all Federal, State and local financial assistance to permit full accessibility and use of its proposed Charlotte to Henrietta Rail Corridor facility by handicapped or infirm citizens.

MINUTES OF
COMMITTEE ON TRANSPORTATION NEEDS
OF ELDERLY AND HANDICAPPED

MEETING HELD IN THE BOARD ROOM OF THE R-GRTA
TUESDAY, SEPTEMBER 11, 1973 AT 12 NOON

PRESENT: Commissioner H. Jean Crapsey, R-GRTA
R. Neil Kravetz, Planner, R-GRTA
Richard Infarinato
Ms. Florence Carpenter
Mrs. Doris Van Vecnten
Ms. Betty Shaefer
F. P. Ryan
Gary Merritt
Edward Croft
Willard Knope
Ms. Barbara Stevens

1. A review of the committee's activities for the last few months was presented by Mrs. Jean Crapsey, Chairman. She based her review upon our letter of May 18, 1973 which outlined those activities which were brought to a successful completion as well as those items that remained to be accomplished.

Activities To Be Accomplished

Present Disposition

- | | |
|--|--|
| 1. Elevating the Ad Hoc Committee to standing committee status | 1. In June the Authority enacted a resolution to make the Ad Hoc Committee a standing committee. |
| 2. Installation of seats in bus shelters to serve the needs of seniors and handicapped | 2. At the August meeting of the Authority, the Commissioners approved a resolution to authorize the purchase of 15 benches at a cost not to exceed \$2,600. |
| 3. Service to proposed Day Care Program for the elderly | 3. A transportation proposal was submitted to Frank Ryan and Gary Merritt. Frank Ryan reported that because of funding problems, the program is languishing. Florence Carpenter pointed out that the New York State Department of Aging has held up funding of senior citizen programs until a Local Office on Aging has been established and staffed. |
| 4. Testing program to modify Regional Transit Service equipment | 4. It was learned that modifying existing equipment with lifts to allow wheelchairs access proved to be too costly. However, a resolution has been passed by the Authority that 1 out of 10 buses used in Dial-A-bus service will have a lift. This follows the proposed concept by USFOT Urban Transportation Advisory Council. |

September 11, 1973

Among the next new vehicles purchased for Dial-A-Bus service will be a vehicle that can serve the needs of those handicapped who are independently mobile.

5. Revenue sharing

5. A letter, dated June 12, has been sent to Lucien Morin over Bill Kelly's signature recommending that revenue sharing funds be used to underwrite part of the cost of transportation for the elderly. The legislators are aware that some form of subsidy must be developed if Senior Citizens' fares are to remain at 25¢. A new dimension to this problem will be added if the State Bond Issue is passed in November. If the Bond Issue is passed and the standard fare is reduced, Senior Citizens' fares could be reduced by a comparable amount.

2. Mrs. Crapsey stated that many of the public housing programs and UDC projects are not accessible to Mass Transportation services. This situation imposes a hardship upon individuals living in these projects; generally, the very young, the very old, and the impoverished. Therefore, Mrs. Crapsey proposed that the committee recommend to the Authority that Legislations be developed, making it mandatory that public housing and UDC projects have mass transit accessibility designed into their plans. The committee proposed that the R-GRTA Law Committee pursue this legislation, submitting it to the H & E Committee for review when it is drawn up. It was also suggested that both Michael Houseknecht and Paul Graftet be contacted for their suggestions in the matter, since they deal directly with funds relating thereto.

Respectfully submitted,

H. Jean Crapsey, Commissioner

RNK:ld

cc: Mailed to all Commissioners - 10/2/73 - maa

A 137

MINUTES OF
COMMITTEE ON TRANSPORTATION NEEDS
OF ELDERLY AND HANDICAPPED

MEETING HELD IN THE BOARD ROOM OF THE R-GRTA
FRIDAY, FEBRUARY 15, 1974 AT 12 NOON

PRESENT: Commissioner H. Jean Crapsey, R-GRTA
R. Neil Kravetz, Planner, R-GRTA
Bill Knope, Senior Citizens Action Council (SCAC)
Ruth Knope, SCAC
Ed Krohn, Council on the Aging
Gary Merritt, Monroe County Office for the Aging
Dow M. Drukker, United Fund Community Chest
Winnifred Fletcher, United Cerebral Palsy
Joan Hoeffee, Rochester Area Multiple Sclerosis

1. Inspection of buses. Two prototype vehicles for Dial-A-Bus service were available for committee reviewing. The first vehicle was a mid range bus manufactured by the APECO Company. This vehicle did not have a capability for transporting the handicapped. The second bus, manufactured by FORTIVAN, had a hydraulic lift and space available to carry persons confined to wheelchairs.

2. Status of Senior Citizen Day Care Program. Gary Merritt reported that no decision has been made by the federal government for a problem in allocating \$16 million for Senior Citizens Programs. The federal agency responsible for Model Projects may disburse the monies via a special project (such as the proposed Day Care Center program) directly to local agencies, or they may pass the funds on to a state agency which will distribute these monies to each municipality under its jurisdiction. No final decision is expected until March 1st. Gary hopes that the funds will be distributed to local agencies instead of to state agencies, but he appears to hold out little hope that this will happen.

3. Community Chest Transportation Review. Dow Drukker reported that the Community Chest is presently reviewing its transportation capabilities in the community. Based upon their records the costs of maintenance and the number of vehicles in service is known. What they would like to find out is the amount of money being expended as a voluntary component of projects under their jurisdiction. Dow informed us that he is preparing for a study to determine the cost of transportation including the known element and that of the voluntary operation. The study will probably begin in early fall.

4. Visit to RTS - Driver Training Report. Bill Knope reported that he and his wife attended a school for RTS bus drivers on February 14, 1974. The classes he visited involved the drivers' relationships with the bus riding public. Bill was impressed with the extent to which drivers were trained to assist the disabled and the handicapped, saying, "The training appeared to be thorough." Bill stated that he, like many, take RTS for granted and was unaware that they provided instructions to the retarded, the elderly, and the blind, on how to

February 15, 1974

use public transportation. Bill said that this RTS program should be publicized because of its valuable service to the community. In this regard it was proposed that a special brochure be prepared to publicize the programs that RTS has undertaken for the handicapped and elderly, which specifically details the type of training the drivers receive, as well as the availability of special instructions for the blind, the infirm, and the handicapped.

Respectfully submitted,

H. Jean Crapsey

H. Jean Crapsey

HJC:gt

cc: Mailed to All Commissioners - 3/5/74 - maa

A139

MINUTES OF

TRANSPORTATION COMMITTEE ON THE ELDERLY AND HANDICAPPED

Held at Rochester-Genesee Regional Transportation Authority

Monday, September 16, 1974 - 9:00 a.m.

R-GRTA Committee Members Present: Commissioner Hetty Jean Crapsey, Chairman

R-GRTA Committee Members Absent: Commissioner Thomas E. McGrath
Commissioner James M. White

In Attendance: R. Neil Kravetz, R-GRTA Planner; Howard W. Gates, R-GRTA Director of Public Information

Ad Hoc Committee Members In Attendance: Judith Simonet for Earl Fahy, Director of Homemaker Rehabilitation; Joan Hoeffel, Rochester Area Chapter of Multiple Sclerosis Society; Anne Zimmer, Council on Aging; Hildegard Herz, Association for Retarded Children; Doris Van Vechten, Rochester Child Health Study; and Gary Meritt, Monroe County Office of the Aging.

I. Brief review of Committee Activities

Commissioner Crapsey reviewed the Committee's past accomplishments which included such events as:

1. Development of a questionnaire in cooperation with the Monroe County Council on Aging to determine the transportation needs of the elderly and handicapped.
2. Recommendation that benches be placed in bus shelters adjacent to senior citizen housing, medical and social facilities.
3. Recommendation that special services be expanded to senior citizens for grocery shopping trips from elderly housing project locations.
4. Recommendation that Regional Transit Service (RTS) test feasibility of modifying new or existing equipment to provide easier access to buses. This included the purchase of new Dial-A-Bus vehicles with retractable steps.
5. Recommendation that policy be adopted by the Authority that one (1) out of every ten (10) new PERT Dial-A-Bus vehicles ordered be equipped with a lift to provide service to the handicapped having mobility problems.
6. Recommendation that negotiations be undertaken between the Authority and Monroe County to maintain the 25¢ fare through the use of County Revenue Sharing Funds.

7. Recommendation that the Authority develop a policy to insure that transit be accessible for all; e.g., rail corridor program to include elevators and special parking areas for the handicapped.
8. Recommendation that RTS review and submit a proposal to transport senior citizens participating in day care program.
9. Recommendation that the Ad Hoc Committee become a standing committee of the Authority.

Most of the above recommendations made to the Authority were implemented.

It was found that modifying existing equipment to lower the first step or provide lifts in the vehicles were prohibitive. In addition, the purchase of new vehicles having a mechanical means of lowering the step were impractical as engineering problems have not been corrected to meet operational requirements.

A day care proposal was submitted to the responsible agencies and no action has been taken to date as a result of lack of federal funding and state support.

As a result of contact between the Authority and Monroe County, \$500,000 was set aside by the County Manager to maintain the 25¢ senior fare. However, the County appropriated this money to alleviate RTS's financial problems that occurred in February. Although senior fares are still being maintained at the 25¢ level during off-peak hours, no specific amount of funds have been earmarked by the County to insure the continuation of this policy in the future.

II. Lift Buses and Their Use for Handicapped Individuals Having Mobility Problems

Commissioner Crapsey related the need for assistance from those social service agencies present who provide services to the handicapped to insure that adequate coverage is given the dissemination of information and the promotion of the use of the vehicle by those persons with mobility problems who reside in the Greece Dial-A-Bus area.

Commissioner Crapsey stated that the provision of this type of service in many Dial-A-Bus programs did not prove to be too successful. It is her opinion that the success or failure depended upon the marketing and promotional aspects. A lack of knowledge on the part of the handicapped in the Dial-A-Bus communities certainly had an affect on the demand.

It was recommended that Howard Gates, in the course of his normal promotional activities, develop and disseminate a brochure on the use of the new lift bus. This brochure would be provided to all agencies for their use in informing their clients of the availability of transportation in the Greece area.

It was also decided that those agencies having vocational rehabilitation contacts work with industries in the area to inform them of the availability of transportation for the handicapped so that, when employment opportunities arise, those individuals who have mobility problems are aware that there is transportation available to and from work.

Due to the manufacturer's problems with supply of parts, the lift vehicle which was supposed to be delivered as of September 1st is still in production. It was believed that this vehicle would be delivered sometime during the last week in September.

Therefore, it was decided that prior to the vehicle being placed into service it should be experimented with under existing field conditions to determine how handicapped individuals can be handled to facilitate loading arrangements. Handicapped persons would be contacted by the agency representatives to assist in this endeavor.

If the vehicle is delivered on time, a meeting will be arranged on September 27th at the Al Sigl Center. If not, Mr. Kravetz will inform those present of the cancellation.

Respectfully submitted,

Hetty Jean Crapsey
Hetty Jean Crapsey

HJC/ash

Copy Mailed to all R-GRTA Commissioners 9/27/74 - ash

Copy Mailed to all Ad Hoc Committee Members 9/27/74 - ash

MINUTES OF

TRANSPORTATION COMMITTEE ON THE ELDERLY AND HANDICAPPED

Held at the Al Sigi Center, 1000 Elmwood Avenue, Rochester, New York

Tuesday, October 29, 1974 - 9:00 a.m.

R- PIA Committee Members Present: Commissioner Betty Jean Crapsey, Chairman

R-GRTA Committee Members Absent: Commissioner Thomas E. McGrath
Commissioner James M. White

In Attendance: R. Neft Kravetz, R-GRTA Planner; Howard W. Gates, R-GRTA Director of Public Information; Claude Feely, RTS; Stephen Warren, PERT Dial-A-Bus

Ad Hoc Committee Members in Attendance: Judith Simonet, Rochester Rehabilitation; Doris Van Vechten, Rochester Child Health Study; Dick Woodard, United Community Chest; Arlene Sanzel, Dept. of Social Services; Winifred Fletcher, United Cerebral Palsy Association; Barbara Stephens, Medical Motor Service; Marilyn Byrnes, Rochester Rehabilitation Center; Hal Spay, RAHS; Daniel Meyers, RSVP; Donald Burke, DCTC; Helen Joffe, DCTC; Peter Frozeller, Director of Public Relations, Al Sigi Center; Bill Knope, SCAC; Ruth Knope, SCAC; Gary Merritt, County Office for Aging; Catherine Deckman; Al Kunz and Julius Duval.

A large turnout of employees and clients of the various agencies located in the Al Sigi Center were on hand to view the new Grumman lift vehicle that was purchased to provide services to the mobility handicapped.

Three (3) individuals representing different degrees of disability - Catherine Deckman, Al Kunz and Julius Duval - were used to test the vehicle and determine if there were any problems present as it affected the use of the bus.

After pre-testing of the vehicle, everyone took a ride of approximately fifteen (15) minutes duration and returned to de-board all passengers at the Al Sigi Center.

After a tour of the Gruman Bus, a meeting was held to discuss in considerable detail the use of the vehicle. Each individual commented upon the lack of safety features such as: the excessive height of the rear seats, the lack of modesty panels for the front facing seats, safety bars and the excessive height of the middle step.

It was general consensus that this vehicle should not be placed into service as it is presently constituted and further it was the opinion of most present that this vehicle would discourage rather than encourage general usage by the mobility handicapped.

Mr. Merritt expressed the fact that the Authority should be commended for allowing local input. He moved that the Authority reject the vehicle. He then stated that, if the Authority rejects the vehicle and returns it to the manufacturer, the committee and those present "should be 100% in back of the Authority's action." Mr. Bill Knapp seconded the motion. Motion was unanimously carried.

Mr. Claude Feely of RTS, in a memo dated November 1, 1974, to Mr. John Garrity, RTS Resident Manager, fully explains the problems inherent in the use of this vehicle. This memo is attached as part of the minutes of this meeting.

Mr. Feely's memo covers the problem rather completely. However, one minor discrepancy was noted. The vehicle lacked the international symbol identifying it as a vehicle that transports persons who require wheel chairs.

The Meeting was adjourned at 11:30 a.m.

Respectfully submitted,

Hetty Jean Crapsey
Hetty Jean Crapsey
Chairman

HJC/ash

MINUTES OF

TRANSPORTATION COMMITTEE ON THE ELDERLY AND HANDICAPPED

Held at the Al Sigl Center, 1000 Elmwood Avenue, Rochester, New York

Tuesday, October 29, 1974 - 9:00 a.m.

R-GRTA Committee Members Present: Commissioner Hetty Jean Crapsey, Chairman

R-GRTA Committee Members Absent: Commissioner Thomas E. McGrath
Commissioner James M. White

In Attendance: R. Neil Kravetz, R-GRTA Planner; Howard W. Gates, R-GRTA Director of Public Information; Claude Feely, RTS; Stephen Warren, PERT Dial-A-Bus

Ad Hoc Committee Members in Attendance: Judith Simonet, Rochester Rehabilitation; Doris VanVechten, Rochester Child Health Study; Dick Woodard, United Community Chest; Arlene Senzel, Department of Social Services; Winifred Fletcher, United Cerebral Palsy Association; Barbara Stephens, Medical Motor Service; Marilyn Byrnes, Rochester Rehabilitation; Hal Spay, RAMS; Daniel Meyers, RSVP; Donald Burke, DCTC; Helen Joffe, DCTC; Peter Frozeller, Sigl Center Director of Public Relations; Bill Knope, SCAC; Ruth Knope, SCAC; Gary Merritt, County Office of Aging; Catherine Deckman; Al Kunz and Julius Duval.

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Meeting was adjourned at 11:30 a.m.

Respectfully submitted,

Hetty Jean Crapsey
Commissioner Hetty Jean Crapsey
Chairman

HJC/ash

Attachment

cc: Mailed to Commissioners w/attach. - ash - 11/15/74

cc: Mailed to all Members of Transportation Committee - ash - 11/15/74

A 146

MINUTES OF

TRANSPORTATION COMMITTEE ON THE ELDERLY AND HANDICAPPED

HELD AT ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

1313 CROSSROADS OFFICE BUILDING, ON WEDNESDAY, NOVEMBER 20, 1974

AT 1:00 P.M.

R-GRTA Committee Members Present: Commissioner Hetty Jean Crapsey, Chairman
Commissioner James M. White

R-GRTA Committee Members Absent: Commissioner Thomas E. McGrath

In Attendance: R. Neil Kravetz, R-GRTA Planner

Commissioner Thomas E. McGrath, not being able to attend the meeting as arranged, met with R. Neil Kravetz the preceding day to be fully briefed in regard to Section 16(b) of the Federal Aid Highway Act of 1973 (Public Law 93-87) so that he would be able to provide guidance.

Section 16(b) of this Act stipulates that the Secretary (USDOT) is authorized to make capital grants and loans to "private, non-profit corporations and associations for the specific purpose of assisting them to provide transportation services meeting the special needs of elderly and handicapped persons for whom mass transportation services planned, designed and carried out are unavailable, insufficient or inappropriate ...".

Background

New York State Department of Transportation in carrying out its responsibilities has brought to the attention of most private, non-profit agencies that they are now eligible to obtain financial assistance from UMTA to purchase capital equipment to bus seniors and handicapped individuals in carrying out their normal functions. New York State has been allotted \$1,300,000 for this purpose in the present fiscal year.

As a result of New York State imposing a cut-off date, the Authority has had a number of requests from private, non-profit agencies for letters of concurrence and support as required by UMTA to complete an application.

For the most part, these agencies are members of the Community Chest. As a result of Commissioner Crapsey's efforts, the Community Chest is considering a study of the impact of existing funds budgeted for the present transportation needs of all agencies under its umbrella. It was agreed by Commissioner Crapsey, Commissioner White and Commissioner McGrath that the R-GRTA should withhold its concurrences for individual Chest Agencies to purchase vehicles until such time as a study of the transportation needs of the elderly and handicapped is completed by the Community Chest.

After completion of the study, the R-GRTA will evaluate the needs of agencies as defined by the study.

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It was recommended that a letter be sent to Mr. Frank M. Hutchins, President of the United Community Chest of Greater Rochester, Inc., to inform him of our policy and to request that the Chest's study be completed at the earliest possible date so that we can take appropriate action within the near future on requests as they are processed by the R-GRTA Staff.

The meeting was adjourned at 1:30 p.m.

Respectfully submitted,

Hetty Jean Crapsey
Hetty Jean Crapsey, Chairman

HJC/ash

ADDENDUM:

A phone call was made to Mr. Frank M. Hutchins in regard to the above matter. He informed Mrs. Crapsey that the letter should be addressed to Mr. Burton August, Vice President in charge of Planning, with a copy sent to Mr. Hutchins.

HJC

CC: Mailed to all Commissioners - 12/11/74 ash

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MINUTES OF
TRANSPORTATION COMMITTEE FOR THE ELDERLY AND HANDICAPPED
Held at
Rochester-Genesee Regional Transportation Authority
Tuesday, January 21, 1975, 10:00 a.m.

Chairman Hetty Jean Crapsey, Presiding

* * * * *

R-GRTA Members Present: Commissioner Hetty Jean Crapsey, Chairman
R-GRTA Members Absent: Commissioner Thomas E. McGrath
Commissioner James M. White
R-GRTA Staff in attendance: R. Neil Kravetz, Planner
Members in attendance: Shirley Harvey, Deputy Director, MA/FS, MCDSS
Judith Simonet, Rochester Rehabilitation Center,
Home Economist
Dick Woodard, Research Director, United Community Chest
Gary R. Merritt, Assistant Director, Monroe County
Office for the Aging
Doris Van Vechten, Rochester Child Health Studies
Ann Shannon, representing Hildegard Hertz

I. TRANSBUS

Recently, Chairman Hetty Jean Crapsey attended a conference in New York City. While at the conference, three (3) prototype buses developed under Urban Mass Transportation Administration contracts were on view. These buses were built as a result of contracts let three (3) years ago by USDOT to build an accessible bus. Contracts were let to General Motors, AM General and Rohr Corporation.

Chairman Crapsey stated that included in the design were features such as: stair lifts, low steps and kneeling capabilities. She learned also that in approximately two (2) years these vehicles will be on line and offered to the industry for purchase.

II. DEVELOPMENT OF PROCEDURES FOR HANDLING HANDICAPPED PERSONS BOARDING DIAL-A-BUS VEHICLES

A. Status of lift vehicle

Chairman Crapsey related that the Grumman Bus purchased to service the needs of the mobility handicapped has undergone engineering revisions in order to satisfy our major objections to this vehicle.

Mr. Kravetz related that he discussed this matter with Steve Warren. Mr. Warren informed him that the bus may be put into service.

However, prior to its operation in handicapped service, drivers must undergo specialized training in using the lift equipment as well as developing policy and procedures with respect to the responsibility of KFS in transporting individuals with mobility problems.

B. Operation

In a memorandum dated December 9, 1974 (see attached), from David Alschuler to Daniel Roos, re PRELIMINARY PLANS FOR USE OF SPECIALLY EQUIPPED GRUMMAN BUS, Mr. Alschuler cites many questions which the committee should consider and on which recommendations should be made. The memo recommends that the vehicle be placed in use for the handicapped only within the hours of 10:00 a.m. to 2:00 p.m. and 6:00 p.m. to 10:15 p.m. on weekdays and 9:00 a.m. to 5:00 p.m. on Saturdays. Booking orders will require at least one (1) hour advance notice.

The committee decided that because of the importance of a first impression on the mobility-handicapped in the area, the full range of service should be provided. It was felt that, by far, the most important service this bus could render would be to take mobility-handicapped persons to and from work and to and from school on a first-come-first-serve subscription basis.

It was thought that, if employers in the area would hire handicapped individuals, they could also make accommodations in their working schedules so that the space limitations in the vehicle could be maximized in order to provide more service over a longer length of time.

It was brought out that this committee should make employers aware that there is now public service that can accommodate the mobility-handicapped and that transportation is no longer a barrier to hiring the handicapped because of inaccessibility to employers in the Greece community.

It was also agreed that participating agencies would inform their clients when the service becomes operative. Mr. Kravetz was asked to set up a date to inspect the bus before it is placed in service to transport the handicapped.

C. Drivers

It was decided that the responsibility of the driver would be limited to the area immediately adjacent to the curb outside of the vehicle. The driver would be responsible for:

1. Operation of the lift.
2. Placing the chairbound person on the lift.
3. Securing the wheelchair tie downs or clamps.
4. In an extenuating situation, it would be up to the driver's discretion whether or not he should go beyond the sidewalk to assist the chairbound passenger. In any event, the driver must use some discretion which would be tempered by common courtesy.

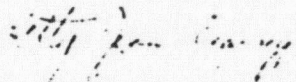
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Judith Simonet informed those present that the Al Sigi Center would assist in a driver training program. The program was outlined as follows:

1. The Al Sigi Center would provide three (3) hours of training as a community service.
2. Driver training would be undertaken either by the driver education instructor or the physical therapist, either in the afternoon or evenings.
3. RTS supervisors would be trained so that they could go back and train the PERT drivers in the future.

The meeting was adjourned at 1:00 p.m.

Respectfully submitted,


Hetty Jean Crapsey, Chairman

HJC/ash

Mailed to all commissioners - 2/10/75 - ash

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MINUTES OF THE ELDERLY AND HANDICAPPED TRANSPORTATION COMMITTEE
MEETING HELD MAY 13, 1975 AT 12:00 NOON IN THE R-GRTA BOARD ROOM

Commissioners Present:

Hetty Jean Crapsey
James M. White

Also Present:

F. P. Ryan, Eastman Kodak Company
Anne Shannon, A.R.C. (for Hildegard Hertz)
Florence E. Carpenter, Council on Aging
Nancy J. Salzer, Handicapped Independence HERE
(for Joseph Parella)
Doris VanVechten, Rochester Child Health Study
Barbara Flanagan, National Multiple Sclerosis Society
Judith Simonet, Rochester Rehabilitation Center
Donald R. Porto, Muscular Dystrophy Association
Beatrice Montgomery, Monroe County Office for the
Aging
Gary R. Merritt, Monroe County Office for the
Aging
Richard C. Woodard, United Community Chest
Willard Knope, Senior Citizen Action Council
Ruth Knope, Senior Citizen Action Council

James L. O'Sullivan, Central New York Regional
Transportation Authority

Richard Infarinato, Monroe County Dept. of S. S.

Jack Garrity, Regional Transit Service, Inc.
R. Neil Kravetz, R-GRTA
David Alschuler, M. I. T.
Stephen W. Warren, M. I. T.

Equipment Designed for Elderly and Handicapped Use.

Mr. Jack Garrity, General Manager of Regional Transit Service was called upon to review recent purchases of equipment that have features to reduce the difficulty of boarding and travel on RTS buses. Jack related that effective this year, all new transit bus purchases will include a "kneeling" feature. This innovation will allow RTS buses to pull up to a curb and reduce the height of the first step from 3 to 4 inches. Eventually, all buses in the RTS fleet will be able to "kneel" as the older vehicles are replaced.

Commissioner Crapsey announced that the Authority has taken the initiative and ordered 3 FMC vehicles. These are 30' buses that are specially designed to carry both wheelchair passengers (4), regular passengers (10) and blind passengers including a seeing eye dog (1). These vehicles will be utilized in both Demand/Responsive Service and Special Service Programs.

MINUTES OF THE ELDERLY AND HANDICAPPED TRANSPORTATION COMMITTEE
MEETING HELD MAY 13, 1975 AT 12:00 NOON

Special Transit Service Development for Elderly and Disabled in Syracuse, New York.

Mr. James L. O'Sullivan, Special Programs Manager CENTRO stated that his Authority has recently instituted a special service for meeting the needs of elderly and handicapped individuals' transit requirements. In order to provide special services, it was necessary for them to apply to the Federal Government (DOT) for a Demonstration Grant. The Demonstration Grant enabled CENTRO to begin operations of a service which they term "Call-A-Bus". Call-A-Bus is a door-to-door bus service for elderly and disabled residents of Syracuse and Onondaga County. In order to be able to take advantage of the service, individuals must be at least 55 years of age or older or have a physical or mental disability which effectively prevents them from using regular bus service. Jim O'Sullivan went on to explain that those persons who are in need of the service must make a reservation at least 2 days in advance of the need for transit. They must inform the dispatcher where they will be leaving from, where they are going, what time they want to depart and what time they need to arrive.

The cost of the trip will vary depending upon the distance and location of the individual. For example: trips in and near Syracuse, individuals are charged 50¢ per one way trip. For service further into the suburbs, the one way fare is 60¢ and for a trip to and from the outer reaches of the county, the fare may be 75¢, 85¢ or \$1.00.

Mr. O'Sullivan went on to state that they have purchased vehicles specifically equipped to serve the needs of the handicapped. The fleet of Call-A-Buses are comprised of two types of vehicles. The first are regular transit buses that have a "kneeling" device to lower the front step. The second are van type vehicles. Syracuse has purchased 4 mini buses with wheelchair lifts that were manufactured by Mercedes.

Jim stated that in a service of this type, priorities have to be established because of the limited number of vehicles and the large areas that are serviced. Six priorities have been established for a Call-A-Bus trip. They are as follows:

- | | |
|-------------------------|--------------------------------------|
| 1. Medical | 4. Personal business such as |
| 2. Employment | legal, housing, banking, etc. |
| 3. Educational training | 5. Shopping |
| | 6. Recreation and/or personal visits |

This service is available in the City of Syracuse on weekdays, Saturdays and Sundays. On weekdays, the Call-A-Bus program operates from 6:00 a.m. in the morning to 10:00 p.m. in the evening. On Saturdays from 10:00 a.m. in the morning to 4:00 p.m. in the afternoon and on Sundays from 8:00 a.m. to 4:00 p.m. For example: on Monday, service is provided to Mattydale-North Syracuse, Tuesday for the communities of DeWitt, Fayetteville, Manlius and Manoa areas. On Wednesday, the Town of Canastota, Jordan and Elbridge are served; Thursday Fairbairnville, Liverpool and Radisson; and on Friday, the Towns of Skaneateles and Marcellus are provided with Call-A-Bus service.

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Call-A-Bus can also provide group trips for social and recreational opportunities anywhere within the county. These trips are unscheduled, charter type of services. The Syracuse program is financed by a Grant from the Urban Mass Transportation Administration and the New York State Department of Transportation.

RTS's Reduced Fare Program.

Mr. Jack Garrity, General Manager of RTS, related that RTS would be instituting a reduced fare program for seniors and elderly beginning 4:00 a.m. Sunday morning, June 15, 1975. The seniors and handicapped will be eligible for half fares in the off peak periods between the hours of 9:30 a.m. in the morning to 3:30 p.m. in the afternoon and from 6:30 p.m. in the evening throughout the remainder of the night and on Saturdays and Sundays and Holidays. The fare would be reduced from the present 25¢ senior fare to 20¢ for both seniors and handicapped on the existing RTS fixed route system. It is important to note that there was no discussion of the change of 1/2 hour in the off-peak time since apparently it raised no concern in the minds of the participants.

Seniors would identify themselves by showing the driver their medicare card or a card issued by the Senior Citizens Action Council (SCAC). Those individuals that are permanently handicapped would be issued a pass that would include their name, address and a picture. These passes would be obtained from local participating Social Service Agencies that provide assistance to disabled and handicapped individuals.

A temporary pass would be issued to those individuals who are not permanently disabled. These passes would be issued quarterly on the basis of a Doctor's order or prescription informing RTS that the individual is temporarily incapacitated. RTS will then issue this individual a pass good for only a three month period or one quarter of the year. If he is still temporarily disabled after the quarter ends, he may reapply for a second pass until his disability has been terminated. These temporary passes will be color-coded to facilitate easy identification.

Mr. Garrity went on to state that a public information program is presently being prepared by his staff. The program will utilize local newspapers, radio and TV stations, as well as include flyers aboard the vehicles. In addition, participating Social Service Agencies that deal with the problem of the handicapped will be asked to publicize the program through their newsletters.

Service to Handicapped and Seniors Within the PERT System.

Mr. David Alschuler, M.I.T., explained that the PERT system would also reduce fares to elderly and handicapped during the off-peak hours from 9:30 a.m. in the morning to 3:30 p.m. in the afternoon and from 6:30 p.m. in the early evening to closing and on Saturdays, Sundays and Holidays. Therefore, the base fare of \$1.00 would be reduced to 50¢ for elderly and handicapped in keeping with the reduced fares policy of RTS. The same identifications and procedures will apply for seniors and handicapped on the PERT system as they do on the RTS system.

Mr. Alschuler announced that since April, a lift vehicle has been put into service in the Dial-A-Bus area to provide transportation for those individuals who are in wheelchairs. The response for this service has been disappointing. In fact only one or two individuals have actually utilized this service to date.

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Dave stated that no special defference will be given to handicapped individuals. They will be treated in the same manor as any able bodied customer. The call for a lift vehicle trip will be coordinated with the requirements of the system at large. The responsibility of the driver will be limited to the curb.

The person who is chair bound must be able to bring himself to the curb. The driver will then assist him aboard the lift and place him in the tie-down. On reaching the destination, the driver will assist the individual in the chair by releasing him from the tie-down, placing him on the lift and lowering him to the curb. It will then be the individual's responsibility to go from the curb to his or her destination.

This service will be limited to only those areas that Dial-A-Ride operates on a many to many basis. Once the problems, if any, are eliminated from the many to many program, it is hoped that service from the Dial-A-Ride area to identifiable traffic generators within the Rochester Metropolitan area will be attempted such as Midtown Plaza, Al Sigi Center, Strong Memorial Hospital, R.I.T. and U of R. It was the consensus of those present that an advance notice of forty-eight hours was not an unreasonable requirement with respect to the special service feature.

Respectfully submitted,

Hetty Jean Crapsey
Hetty Jean Crapsey
Chairman

HJC:epk

cc - Mail to All Committee Members 6/16/75 - epk

MINUTES OF
TRANSPORTATION COMMITTEE FOR THE ELDERLY AND HANDICAPPED

HELD AT 1313 CROSSROADS OFFICE BUILDING

THURSDAY, SEPTEMBER 18, 1975

12:30 P. M.

* * * * *

R-GRTA Committee Members Present: Commissioner Hetty Jean Crapsey, Chairman
Commissioner Thomas E. McGrath
Commissioner James M. White

Committee Members in Attendance: Ms. Barbara Flanagan, National Multiple
Sclerosis Society
Mr. Michael Serve,
Monroe County Department of Social Services
Mrs. Beatrice Montgomery,
Monroe County Office for the Aging
Mrs. Hildegard Hertz,
Association for Retarded Children
Mr. Kent Raby,
Senior Citizens Action Council
Mr. Don Porto,
Muscular Dystrophy Association, Inc.
Mr. Joseph Parella, Jr.,
Handicapped Independence H.E.R.E., Inc.

Staff Members in Attendance: R. Neil Kravetz, Planner, R-GRTA
Howard W. Gates, Director of Public Information, R-GRTA
Anne Iacuzzo, PERT Public Information Officer
Stephen Warren, PERT, Resident Operations Manager
Julie Moore Ede, M.I.T.

A report and update on Dial-A-Ride services for the elderly and handicapped was presented by Howard Gates, Director of Public Information, R-GRTA. Mr. Gates passed out a new brochure explaining the Dial-A-Bus handicapped service effective September 8, 1975. Prior to this date, special handicapped service was provided to three locations - Midtown Plaza, Al Sigl Center and Strong Memorial Hospital. These locations have been expanded to include nine additional activity centers. They are as follows: the Federal Building, housing the Veterans Administration and Social Security Offices; Monroe County Department of Social Services; Monroe Developmental Center; the Association for the Blind; Rochester Psychiatric Center; Rochester Mental Health Center, Inc.; Rochester General Hospital; Monroe Community Hospital; and the Wilson Center.

Service is now available for seniors and handicapped persons from Greece and Irondequoit on weekdays from 9:00 a.m. to 6:00 p.m. and Saturdays from 10:00 a.m. to 5:00 p.m. The fare charged will be \$2.00 per trip plus an additional 25c for every additional passenger originating at the same location, traveling to the same destination.

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Miss Anne Iacuzzo, PERT Information Officer, reviewed the existing Dial-A-Bus service in Greece. She stated that in addition to special service, the vehicles equipped with lifts also provide general demand responsive trips to the handicapped within the service area in conjunction with service to the general public. The services that are available include Home-to-Work, Home-to-School and Feed-A-Bus programs connecting with line haul routes whose focus is downtown.

Joe Parella expressed his concern that trips for handicapped persons should also be job-related. Miss Iacuzzo explained that arrangements can be made by handicapped persons for subscription services to job destinations within the Greece service area and later within the Irondequoit service area. Based upon the ensuing discussion, it became very apparent that travel for job opportunities was considered a very high priority item by the handicapped.

Mr. Parella took exception to the utilization of identification cards to qualify handicapped persons for half-fare programs. Mr. Parella was of the opinion that singling out handicapped in such a manner was demeaning. Mr. Kent Raby countered with the fact that the seniors who also receive fare reductions as the result of identification do not subscribe to Mr. Parella's point of view. Mrs. Crapsey requested that a copy of the identification card be provided the Committee. It was noted that the I.D. card specifically states that it is for "HANDICAPPED FARE". It was recommended that the term "HANDICAPPED FARE" be deleted and the phrase "SPECIAL FARE" be inserted in its place. (Immediate action was taken as a result of this recommendation.)

Restructuring of Committee

Commissioner Crapsey proposed the Committee should be restructured to include at least fifty percent consumers who are either seniors or handicapped, with the intention of motivating increased use of handicapped service and of gaining greater consumer input. It was decided that members present would submit names to the Authority for review and contact by Mrs. Crapsey.

Recommendation to the Genesee Transportation Study

It was suggested that a recommendation be made to the GTS by the Authority to implement the study of elderly and handicapped as proposed by the Unified Work Program. Since no specific scope of service has been developed, it was decided that personnel from the Genesee/Finger Lakes Regional Planning Board (the lead agency) be invited to attend the next meeting of the E & H Committee to explain the proposed scope of work. Barbara Flanagan recommended that the study be focused upon the development of a motivational plan for users.

Implementation of New Policy for Elderly and Handicapped Riders by RTS

Commissioner White reviewed the policies that are presently in effect by RTS as they affect the elderly and handicapped customer. He stated that at a meeting of the Board of Directors of Regional Transit Service on June 24, 1975 a Resolution was adopted (Resolution #14 - 1975) of a statement of policy concerning service to elderly and handicapped passengers. This policy is as follows:

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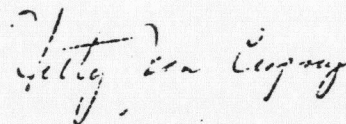
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1. One out of every ten Dial-A-Buses to be equipped with a lift.
2. All future Dial-A-Buses to be equipped with a low first step, no more than eight (8) inches from the ground.
3. All future Dial-A-Buses to be equipped with necessary grab rails, seating and lighting to adequately serve elderly and handicapped.
4. All future fixed route buses to be equipped with a kneeling feature.
5. All future RTS fixed route buses to have the two seats in the front of the bus, directly behind the driver, reserved for handicapped persons.
6. All future RTS fixed route buses to be equipped with grab rails and lighting to adequately serve the elderly and handicapped.

Mr. Parella requested that in the future new facilities such as the proposed Transfer and Information Station designs be reviewed by the E & H Committee. Mrs. Crapsey stated that she would take this matter under consideration.

The meeting was adjourned at 2:30 p.m.



HETTY JEAN CRAPSEY, CHAIRMAN
TRANSPORTATION COMMITTEE FOR THE
ELDERLY AND HANDICAPPED

RNK/jw

cc: Mailed to all Commissioners - 10/8/75 - maa

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MINUTES OF
TRANSPORTATION COMMITTEE FOR THE ELDERLY AND HANDICAPPED
HELD AT ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY OFFICES

THURSDAY, OCTOBER 23, 1975

10:00 A. M.

* * * * *

R-GRTA Committee Members Present:

Commissioner Betty Jean Crapsey, Chairman
Commissioner James M. White, Member

Committee Members in Attendance:

Mrs. Doris VanVechten, Rochester Child
Health Study
Mr. Gary Merritt, Monroe County Office of Aging
Mr. Willard Knope, Senior Citizens Action Council
Mrs. Hildegard Hertz, Association for Retarded
Children
Mrs. Shirley Harvey, Monroe County Social Services
Mrs. Judith Simonet, Rochester Rehabilitation Center
Mr. Michael Serve, Monroe County Social Services
Mrs. Sally Davidson, United Voice for Physically
Handicapped
Mrs. Mary Jones, United Voice for Physically
Handicapped

Also in Attendance:

Mr. William Evans, Genesee/Finger Lakes Regional
Planning Board

Staff Members in Attendance:

Mr. R. Neil Kravetz, Planner, R-GRTA
Miss Anne Iacuzzo, PERT Public Information Office

I. HANDICAPPED AND ELDERLY TRANSPORTATION STUDY TO BE UNDERTAKEN
BY THE GENESEE/FINGER LAKES REGIONAL PLANNING BOARD

Mr. William Evans reported that a study of the transportation needs of the Elderly, Handicapped and Rural residents will be undertaken by the staff of the Genesee/Finger Lakes Regional Planning Board. This study is an element of the Unified Work Program. The study will include all of the eight counties comprising the Genesee Finger Lakes Region and the counties of Steuben and Schuyler. The cost of undertaking the study for Steuben and Schuyler Counties will be underwritten by the Genesee Regional Health Planning Council.

The study for the eight county area will cost \$40,000. The Urban Mass Transportation Administration will underwrite eighty percent of this amount in cash. The State of New York will put up fifteen percent in cash and the Genesee/Finger Lakes Regional Planning Board will underwrite the remaining five percent with staff services.

Mr. Evans stated that all available resources will be utilized. For example, the work that will be undertaken by the Monroe County United Community Chest Organization will be relied on heavily in order to maximize funds allocated for basic inventory purposes.

The study will inventory all existing transportation services. It try to identify and evaluate services as they are presently provided with special attention focused on transportation programs of social service agencies. Short-term requirements for public capital operating investments will then be determined for the current system of transportation services.

All existing services will be analyzed and determined to what extent improvements can be made in coverage or quality as a result of coordinating existing services to arrive at a more cost effective transportation system. It is the intention of the study to control the proliferation of various Ad Hoc Transportation Programs funded by individual agencies and develop a more cost efficient and service effective transportation program.

In summary, the study will -

1. Organize people in each county to review their requirements.
2. A short-range program of capital projects for acquisition will identify the agency or the agencies responsible for service, the number of vehicles and the cost of capital equipment, including source of funds.
3. Parameters will be developed to measure and evaluate the effectiveness of all systems.
4. A handbook will be produced to assist agencies to implement transportation systems that have been prioritized.
5. Identification of major issues requiring sustained efforts to overcome; for example, utilization of the Yellow Bus System for non-educational purposes.

II. REPORT BY COMMISSIONER CRAPSEY RE: APTA CONFERENCE IN NEW ORLEANS

Commissioner Crapsey related that the Conference focused upon the transportation needs for the elderly and handicapped in great depth. At one of the sessions, Commissioner Crapsey participated with five other persons in a panel discussion. She stated that it was very apparent from the beginning that each community has taken a different direction in implementing service for the elderly and handicapped. Some communities are having every vehicle in the fleet either retrofitted or purchased with equipment that will allow for complete accessibility. Others are developing special systems which serve only the elderly and handicapped in the community.

In the paper that she presented, Commissioner Crapsey stated that R-GRTA has implemented a unique approach utilizing Demand Responsive Transportation and incorporating vehicles that are equipped with lifts that also have the ability to serve non-handicapped individuals as well. By providing service to both the handicapped

and non-handicapped on the same vehicle, it reduces the overall cost and increases the effectiveness of the service. In order to accomplish service to the elderly and handicapped, a total systems plan was developed and identified as Phase I. A second phase is under review by the Genesee Transportation Council, the metropolitan planning organization. Eventually, all of the Rochester urban area will have Demand Responsive Service available with the capability of transporting handicapped with non-handicapped on an integrated basis.

While in New Orleans, Mrs. Crapsey attended a luncheon held by an APTA Committee to review the problems of vehicles and vehicle manufacturers in designing a vehicle to serve the needs of the handicapped. Based upon the comments made by the manufacturers, it seems that each community wants a different feature and, therefore, they cannot build a multi-purpose vehicle to handle both handicapped and non-handicapped economically. While this situation may or may not be the case, only one firm, FMC, has designed a vehicle to adequately meet the needs of the handicapped. There are presently three FMC vehicles in service in Greece and Irondequoit providing transportation to handicapped and non-handicapped alike. If a new bus manufacturer can design and build a vehicle to do the job, one wonders why such giants in the field like General Motors, Flxible and AMC cannot manufacture a vehicle equal to the FMC.

III. CHRONOLOGY OF EVENTS AND ACTIONS OF THE ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY RELATING TO THE NEEDS OF THE ELDERLY AND HANDICAPPED

Mr. R. Neil Kravatz reviewed the events that had transpired over the years since the Elderly and Handicapped Committee was established. He stated that the Authority has taken the following actions as a result of Elderly and Handicapped Committee recommendations:

- Jan. 18, 1972 - Appointment of Commissioners Robert O'Brien and Hetty Jean Crapsey to an Ad Hoc Committee to investigate the needs of the Elderly and Handicapped.
- Dec. 18, 1972 - Adoption of a Goals and Policy Statement, "Make Vehicles and Facilities Acceptable to Senior Citizens and Handicapped Persons".
- April 24, 1973 - Passage of Resolution No. 7 - 1973 to permit full accessibility and use of the Charlotte to Henrietta Rail Corridor facility by handicapped persons.
- June 12, 1973 - After considerable study, the Authority recommended a program to the Monroe County Legislature to maintain the existing reduced fare level for seniors through the use of Federal Revenue Sharing Funds.
- June 26, 1973 - The Elderly and Handicapped Ad Hoc Transportation Committee was given permanent status as a standing committee.

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- Aug. 28, 1973 - Established by Resolution that each Dial-A-Ride system shall have one bus with a lift to serve mobility handicapped persons and appropriated \$2500 to cover the cost of installation of a lift and a bus to be used in the Greece Dial-A-Ride area.
- Aug. 28, 1973 - Adopted Resolution No. 19 - 1973 appropriating \$2600 to install fifteen seats in bus stop shelters serving the comfort and convenience of the elderly and handicapped.
- Sept. 25, 1973 - Participated in the development and evaluation of a questionnaire in cooperation with the Monroe County Council on the Aging which investigated the transportation needs of the Elderly, Handicapped and Child Care Services.
- Oct. 29, 1973 - Elderly and Handicapped Committee met with handicapped and their representatives at the Al Sigl Center to view the first bus fitted with a lift to be put into Dial-A-Ride service. As a result of the meeting, operating procedures for handicapped service were developed and design criteria for acquisition of additional buses were discussed.
- Nov. 27, 1973 - Authorized by Resolution No. 30 - 1973 to explore the role of public transportation in the delivery of social services with the Rochester Community Chest.
- Feb. 20, 1974 - Transmittal of an offer to the Transportation Committee of the Monroe County Area-wide Model Project Program (Integrated Day Care Service Program for Elderly) to provide contract bus service to selected nursing homes offering Day Care Service to the elderly.
- Sept. 4-5,
11-12 &
17, 1974 - Organized and sponsored, in cooperation with the Citizens Action Council, public meetings called "Listen Ins" in the Greece, Pittsford, Rochester, Irondequoit and Gates areas of Monroe County to elicit citizen input into the development of "Phase I" of a Comprehensive Transit Plan.
- Jan. 3, 1975 - Comprehensive Development Program for Public Transportation - Phase I - completed.
- Jan. 28, 1975 - Adopted Resolution No. 2 - 1975 reducing the fare for the elderly and handicapped to half of regular peak hour fare during off-peak periods, Saturdays, Sundays and Holidays.
- Feb. 14, 1975 - RTS administrative personnel and PERT drivers completed an instructional course at the Al Sigl Center to acquaint them with the physical and personal needs of the handicapped.
- Apr. 7, 1975 - First Dial-A-Bus with facilities to transport the handicapped was placed into service in Greece.

MINUTES OF
TRANSPORTATION COMMITTEE FOR THE
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- May 1, 1975 - RTS inaugurated a program in cooperation with the Association for Retarded Children so that mentally handicapped persons may learn how to use public transit in actual transit situations.
- May 28, 1975 - Adopted Resolution No. 12 - 1975 authorizing the lease purchase of three specially equipped IMC buses to serve the elderly and handicapped for use in the Dial-A-Ride areas.
- June 15, 1975 - Implemented half fare of 20¢ for the elderly and handicapped.
- June 23, 1975 - Began special service for the handicapped from Greece and Irondequoit to twelve locations in the Rochester urban area.
- June 24, 1975 - Adopted Resolution No. 14 - 1975 restating the Authority's position in serving the needs of the elderly and handicapped. They are as follows:
1. One out of ten Dial-A-Buses will be equipped with a lift to serve mobility handicapped.
 2. All future Dial-A-Buses purchased will be equipped with a low step no more than eight inches from the ground.
 3. All Dial-A-Buses and fixed-route buses will be equipped with necessary grab rails, seating and lighting to serve the elderly and handicapped.
 4. All future fixed-route buses will be equipped with a kneeling feature to lower the first step.
 5. All fixed-route buses will have two seats in the front of the bus directly behind the driver reserved for handicapped persons.
- Sept. 1, 1975 - Comprehensive Development Program for Public Transportation - Phase II - completed.
- Oct. 23, 1975 - As a result of recommendations by the Elderly and Handicapped Transportation Committee, Identity Cards issued to the handicapped to authenticate one-half fare privileges were modified. The term "Handicapped Fare" was deleted and replaced with the phrase "Special Fare".
- Nov. 7, 1975 - Signs were installed in all buses reserving the front two seats behind the driver for the handicapped.

IV. ADJOURNMENT

The meeting was adjourned at 12:00 noon.

HETTY JEAN GRAPSEY, CHAIRMAN
TRANSPORTATION COMMITTEE FOR THE
ELDERLY AND HANDICAPPED

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MINUTES OF

TRANSPORTATION COMMITTEE FOR THE ELDERLY AND HANDICAPPED

HELD AT ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY OFFICES

FRIDAY, DECEMBER 5, 1975

12:30 P.M.

* * * * *

R-GRTA Committee Members Present: Commissioner Hetty Jean Crapsey, Chairman

Committee Members in Attendance: Mr. Donald R. Porto, Muscular Dystrophy Assoc.,
Mrs. Sally E. Davidson, United Voice for
Physically Handicapped
Mr. Willard Knope, Senior Citizens Action Council

Also in Attendance: Mrs. Erika Casler, Eastside Community Center
Mr. Arnold Weinburg, United Voice for
Physically Handicapped
Mrs. Ruth Knope, Senior Citizens Action Council
Mr. Robert W. Stout, Genesee Transportation Council
Mr. William Evans, Genesee/Finger Lakes Regional
Planning Board

Staff Members in Attendance: Mr. R. Neil Kravetz, Planner, R-GRTA
Mr. Louis J. Pecorella, RTS
Miss Anne Iacurro, PERT

I. SPECIAL FUN TOURS FOR HANDICAPPED

Commissioner Hetty Jean Crapsey introduced Mr. Arnold Weinburg who wished to express his thoughts on services RTS could provide the physically handicapped. Mr. Weinburg began by bringing to our attention the problem of traveling to the Al Sigl Center by bus. He noted that he has observed that many physically handicapped who arrive at the Al Sigl Center by public transportation between the hours of 8:30 and 9:30 a.m. find it very difficult to cross South Avenue, due to extremely heavy traffic conditions during the morning rush hour. This is further complicated by the fact that many physically handicapped cannot cross the street in the time allotted during the green cycle of existing traffic signals. Mr. Weinburg recommended that buses drive into the Al Sigl Parking Lot to discharge their handicapped passengers.

Mr. Weinburg reported that many physically handicapped are quite able to travel great distances and overcome many barriers, given a minimum of assistance. He stated that he personally has traveled extensively throughout Europe, the Mid-East, Africa and Asia under the auspices of the Federation of Handicapped whose headquarters are located in New York City. The first tours conducted by the Federation of Handicapped twelve years ago met with considerable opposition within the organization. However, the first tour conducted by the Federation demonstrated that handicapped could successfully adapt to the various situations as they arose.

As a result of these travel experiences on domestic and overseas tours, Mr. Weinburg was of the opinion that local RTS Fun Tours could be arranged to accommodate physically handicapped persons. Tours could be organized through local agencies affiliated with the Al Sigl Center. Trips could be arranged for such places of interest as the State Museum, the Glass Center in Corning, a series of Diamondport, the Zoo in Buffalo and Niagara Falls. Trips to these places of interest could be scheduled monthly.

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I. SPECIAL FUN TOURS FOR HANDICAPPED (cont'd.)

Mr. Weinburg said that even though the handicapped individuals preferred to travel in the company of each other that one or two individuals who are not handicapped, but who are sensitive to the problems the handicapped face, should accompany the tour.

Mr. Lou Pecorella explained the type of buses available for Fun Tour Service. He was of the opinion that the existing buses used to transport the handicapped were not adequate for over-the-road charters as these vehicles were not designed for long distance high speed driving. However, the new suburban buses that could carry up to forty-five passengers seem ideal. They are equipped with under floor luggage and storage facilities for chairs and other bulky paraphernalia that handicapped require. The first four or five rows of the bus could be reserved for individuals who are chair-bound to facilitate loading and unloading procedures. The remaining seats in the bus would accommodate those individuals who are able to walk. The greater number of people the vehicles are able to accommodate would mean that the cost of the Fun Tour could be distributed over more people and, therefore, the charge per ticket would be less expensive.

In order to make the purchase of tickets convenient, they could be offered in advance of each tour at the Al Sigl Center. It was suggested that RTS contact Mr. Pete Prozeller, Public Relations Officer for the Al Sigl Center, in order to utilize the buses he has for this purpose.

It is recommended that all information with regard to Fun Tours and other special services RTS offers for handicapped be composed in such a manner that it could be easily copied and inserted into agency newsletters without rewriting. It seems that the present public information brochures are designed as mailers or individual handout materials. They do not lend themselves easily for insertion into existing agency style newsletters. It was further recommended that the names and addresses of individuals responsible for agency newsletters be obtained to facilitate the dissemination of special service information.

II. INTRODUCTION OF DIAL-A-RIDE SERVICE TO POTENTIAL HANDICAPPED USERS - A CASE HISTORY

Mr. Don Porto who represents the Muscular Dystrophy Association, and is a member of the Committee, presented a Case History of his attempts to encourage ridership from the Greece/Irondequoit communities by MDA clients on the special service vehicles. He approached one such person with the proposition that they would spend a day downtown visiting the Oktoberfest. The Oktoberfest was used to motivate the person's travel interest. In order to participate in the Oktoberfest, he would have to travel downtown utilizing the special services provided by the Dial-A-Ride programs for the handicapped. Mr. Porto stated that he took the initiative and made the first call for the bus. He found the bus arrived on time and there were no problems associated with ordering the bus.

The vehicle took Mr. Porto and his friend to the Midtown RTS terminal. After arrival at Midtown Plaza, they visited the Xerox Exhibition Hall, stores and generally enjoyed the Oktoberfest activities. It seemed that they had such a good time they decided to remain downtown longer than originally scheduled. Mr. Porto contacted the Dial-A-Bus dispatcher to reschedule a new pickup time. The bus arrived within five minutes of the time the dispatcher quoted.

II. INTRODUCTION OF DIAL-A-RIDE SERVICE TO POTENTIAL HANDICAPPED USERS - A CASE HISTORY (cont'd.)

Upon arrival back home, Mr. Porto asked his friend for a reason why handicapped are not using this service. His friend stated that many are afraid to travel downtown alone as they have never attempted to do so. If it wasn't for Mr. Porto and the Olchfest incentive, he would not have attempted to make the trip. He assured Mr. Porto that he has no inhibitions about making any future trips, using the Dial-A-Ride special service program.

Mr. Weinburg commented that the reason why many handicapped individuals do not use public transportation is the fact that there is no incentive to travel. He asked, what is a handicapped person going to do downtown when he gets there? "Downtown has very limited activities and facilities for persons who are handicapped." The problem appears to revolve around the fact that no special attention is given to services, facilities and activities required by handicapped persons.

Miss Anne Iacuzzo stated that she is attempting to develop a downtown tour on Valentine's Day that would include a luncheon at Midtown and a tour of exhibits at a Craft Show. Mr. Porto commented that this is commendable, however, we should also try to promote the casual trip as well. It is not the function or responsibility of Regional Transit Service to develop activities for handicapped persons. The agencies should get together and try to develop activities that would promote travel by handicapped in order to remove the barriers established in the minds of the handicapped with respect to casual travel.

Mr. Weinburg pointed out that the majority of handicapped individuals like to travel in groups for mutual reinforcement.

Mrs. Davidson stated that agencies should act as advocates for the handicapped to approach downtown merchants and other individuals who provide services to incorporate in their advertising special items of interest to handicapped and incidental to the activity, publicize the fact that Dial-A-Bus special service transportation is available to them from Greece and Irondequoit. This is essentially an approach utilizing the carrot and the stick psychology to motivate the use of transportation and the participation activities by the handicapped.

III. CHAIRMAN'S REVIEW OF PROCEEDINGS

Mrs. Crapsey summarized the major points under discussion as follows:

1. Fun Tours for handicapped and seniors should be considered for inclusion in the forthcoming travel season.
2. Material relating to transportation services available to the handicapped must be written and published in a manner that it is easily incorporated into existing "house organs".
3. It was suggested that the Authority (RTS) offer complimentary Dial-A-Bus trips to agency personnel and their clients to experience traveling on the special service bus to the selected locations.
4. Incorporate additional locations for trips that have social or recreational value to those 12 that are presently offered.

III. CHAIRMAN'S REVIEW OF PROCEEDINGS (cont'd.)

5. Mr. Porto was appointed Chairperson of an "Ad Hoc Committee" to develop a proposal for a one time special trip. This trip is to be offered to one person from each agency. He will visit every one of the 12 locations presently being served by the special service; stopping at each site to permit examination of the accessibility factors. It is intended that a follow up will be made after this trip to the individual agencies involved.

IV. ADJOURNMENT

The meeting was adjourned at 2:30 p.m. The next meeting is to be held on January 23, 1976.

Hetty Jean Craysey

Hetty Jean Craysey, Chairman
Transportation Committee for the
Elderly and Handicapped

RVK:epk

cc: Mailed to all Commissioners - 12/18/75 - maa

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HELD AT ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY OFFICES

THURSDAY, JUNE 24, 1976

12:00 NOON

* * * * *

R-GRTA Committee Members Present: Commissioner Betty Jean Crapcey, Chairman

R-GRTA Committee Members Absent: Commissioner James M. White
Commissioner Thomas E. McGrath

Committee Members In Attendance: Mr. Donald R. Porte, Muscular Dystrophy Assoc.
Mrs. Sally K. Davidson, United Voice for
Physically Handicapped
Ms. Mary Orcoran, Eastside Community Center

Mr. David Fitch
Mr. Glenn Meyers, Monroe County Legal Assistance
Ms. Kay Kogaj, Association for Retarded Children
Mrs. Judy Simonet, Rochester Rehabilitation Center
Mr. Bill Holthoff, Genesee Transportation Council
Ms. Rebecca Rhodes
Mr. Michael Serve, Monroe County Department of
Social Services
Mr. Gary Merritt, Monroe County Office for the Agi.
Ms. Patricia Laird, HERE, Inc.

Staff Members in Attendance: Mr. R. Neil Kravetz, Planner, R-GRTA

1. STATUS OF JOINT COMMUNITY CHEST - R-GRTA SPECIAL TRANSPORTATION NEEDS STUDY

Mr. Kravetz reported that the contracts have been reviewed by the Authority's Attorneys and will be presented to the United Community Chest for execution within the next week or so. As a result of a series of questions from the Committee, Mr. Kravetz indicated that if all goes well the study should be completed by the end of November, 1976.

The study will investigate the needs and resources available to individuals who are clients of Red Feather Agencies supported by the United Community Chest of Greater Rochester, Inc. The study will be limited to those agencies serving clients in Monroe County. The cost and administration of the study will be borne equally by both UCC and R-GRTA. Barton Ashman Associates, a Chicago based consulting firm, was chosen to undertake this study for \$25,000. The decision to choose Barton Ashman came as a result of reviewing six RFP's that were submitted by various consulting firms.

2. STATUS OF ELDERLY AND HANDICAPPED REGIONAL STUDY BY THE GENESEE TRANSPORTATION COUNCIL

Mr. William C. Holthoff, representing the Genesee Transportation Study (GTC), explained the purpose of the regional program. GTC is in the process of preparing a Request for Proposals (RFP). The study will commence about the time UCC - R-GRTA study is completed.

2. STATUS OF ELDERLY AND HANDICAPPED REGIONAL STUDY BY THE GENESEE TRANSPORTATION COUNCIL (cont'd.)

Close coordination is being maintained between Mr. Holthoff and Mr. Kravetz in order not to duplicate our efforts and maximize available dollars for study purposes. Mr. Holthoff stated that the study differs from the UCC - R-GRTA program as it is more comprehensive in nature and includes all 8 counties of the Finger Lakes Region.

The study will cost \$40,000. Eighty per cent of the cost will be borne by the Urban Mass Transportation Administration; 15 per cent by the State; and 5 per cent by the Rochester-Geneese Regional Transportation Authority, who has been designated as the lead agency. The study is aimed at meeting recent Federal Elderly and Handicapped requirements as published in the Federal Register of April 30, 1976.

Upon completion of Mr. Holthoff's presentation, Mr. Kravetz recommended that the Committee consider whether or not it would care to act in an advisory role to insure consumer input into the study. It was the consensus of all those present that this was a proper function of the Authority's Elderly and Handicapped Committee. Mr. Holthoff was asked to prepare a proposal to assure that the Committee would be designated for an advisory role in the GTC planning process. In addition, Mr. Holthoff was requested to provide a flow chart at the next meeting illustrating the United States Department of Transportation Funding and Approval Process.

A formal resolution was presented by Mr. Don Porto requesting that "the Committee participate in the Genesee Transportation Council's Planning Program for the Elderly and Handicapped and Economically Disadvantaged." The resolution was seconded by Mrs. Sally Davidson. A vote was taken and the resolution was adopted unanimously.

3. RECENT FEDERAL ELDERLY AND HANDICAPPED RULES AND REGULATIONS

Mr. Kravetz reported that the United States Department of Transportation, Urban Mass Transportation Administration and Federal Highway Administration published adopted rules affecting the transportation requirements of the Elderly and Handicapped in the April 30, 1976, issue of the Federal Register. The Rules and Regulations concern three areas of effort. They are as follows:

1. Planning
2. Programs
3. Equipment

UMTA requires that "special efforts" to plan public mass transportation facilities for the elderly and handicapped be implemented. "Special efforts" refers to both service for elderly and handicapped in general and specifically to service to wheelchair users and some ambulatory persons. UMTA has not designated required programs to be instituted for the elderly and handicapped. They have only illustrated recommendations of the types of services that may be provided that will be acceptable to the Urban Mass Transportation Administration. It is up to each local agency to find the unique solution to meet the intent of the law for the various sets of circumstances that may be present in any given locality. UMTA will then review the agency's efforts and determine whether or not the intent of the law has been met.

4. OTHER BUSINESS

Newsletters - Sally Davidson requested that promotional copy material be sent to agencies in a form suitable to be included in newsletters without major editing or retyping.

Al Sigi Center - Buses serving the Al Sigi Center no longer discharge passengers at the bus stop on the street side. They drive into the property, pick up or discharge passengers at the entrance door to the Al Sigi Center. This new service was instituted as a result of questions raised at this Committee to provide better service to the elderly and handicapped.

5. ADJOURNMENT

Meeting adjourned at 2:00 p.m.

Hetty Jean Crapsey, Chairman
Transportation Committee for the
Elderly and Handicapped

RKK:epk

45

[illegible]

-VS-

Defendants.

Marianne Artusio, being duly sworn, deposes and says:

1. I make this affidavit in opposition to the motion of

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defendants' Crapsey, Eady, White, Petrozzi, TundeVate, McIntosh, Wasserman, Hanson, and Garrity to dismiss the complaint in the within action or in alternative for summary judgment in favor of said defendants.

3. For purposes of a Motion pursuant to rule 12(b)(6) of the Federal Rules of Civil Procedure, the facts as alleged in the complaint are taken as true; on information and belief the facts as pleaded by plaintiffs, if true, state a claim upon which belief can be granted and entitled plaintiffs to the relief demanded in the complaint.

4. Plaintiffs' complaint, in summary, alleges that the moving defendants have applied for and received federal funds without making special efforts, as required by law, to make the services and facilities of the transportation system of the Rochester-Genesee Regional Transportation System and the Regional Transit Service accessible to mobility-handicapped persons.

5. Plaintiffs are persons who must use either wheelchairs or crutches to move about and are mobility-handicapped; plaintiffs are within the class of persons intended to be benefitted by the laws cited in the complaint.

6. Defendants in the affidavit of Howard Gates, submitted in support of this motion, claim at paragraph #53 that "special steps" have been made by the Rochester-Genesee Regional Transportation Authority (hereinafter R-GRTA) and the Regional Transit Authority (hereinafter RTA) for the benefit of elderly and

handicapped persons. However, on information and belief, of the enumerated items, except those items designated (a) and (b) of paragraph #53 are required by regulations of the Urban Mass Transportation Administration and can hardly be considered special efforts since such steps are required by federal regulation.

7. Defendants claim in the affidavit of Howard Gates, submitted in support of this motion, claim that no United States manufacturers presently makes a full-size bus with a wheelchair lift option; however, it is plaintiffs claim that a number of manufacturers, both United States and foreign manufacturers produce buses which are accessible to and meet the special needs of the mobility-handicapped. (Copies of a variety of plans and descriptions of such buses are attached hereto incorporated herein and labeled plaintiffs' Exhibit A.).

8. Plaintiffs claim is not, as defendants have apparently misinterpreted, that each and every bus in the transportation system owned and operated by R-GRTA and RTS be accessible to wheelchair-confined persons, but rather it is plaintiffs' claim that the transportation system must be designed to meet the special needs of handicapped persons. It is plaintiffs' claim that the system must include in addition to traditional mass transit service, vehicles, facilities and service designed to meet the special needs of the mobility handicapped.

9. According to the papers submitted in support of the motion there are approximately 13,000 passenger seats in the RTS fleet of buses; of these approximately 13,000 seats only

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are available for wheelchair-confined persons, and only in the suburban towns of Greece and Irondequoit.

10. According to the papers submitted by defendants in support of this motion, according to the 1970 United States Census the largest percentage of elderly and handicapped persons in Monroe County resided in the City of Rochester; consequently plaintiffs' claim earn the few seats in the RGRTA and RTS system accessible to the handicapped are not utilized in a manner sensibly designed to meet the needs of the handicapped.

11. Additionally defendants' motion for summary judgment should be denied; on this motion defendants bear the burden and have not shown that there are no material facts in dispute.

12. Among other facts defendants claim that there are no buses produced by United States manufacturers accessible to the wheelchair-confined, that use of buses with wheelchair lifts on a fixed route would disrupt regular bus service and would be detrimental to the general riding public, that RGRTA and RTS have made special efforts on behalf of the handicapped; these material facts are in dispute and consequently summary judgment cannot be granted.

13. In addition summary judgment is inappropriate at this stage of the litigation and is premature because there has not been adequate opportunity for plaintiffs to conduct discovery.

14. Plaintiffs have made diligent efforts to commence discovery in this action, by service with the complaint of a notice to take the deposition accompanied by a document request addressed to defendant Tom Garrison, the Resident Manager of RTS.

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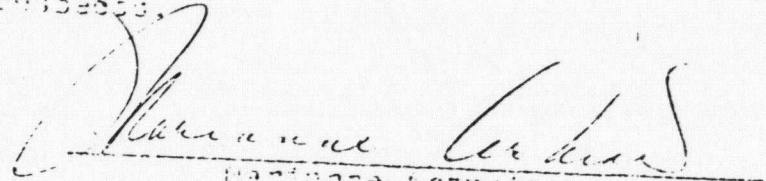
16. The moving defendants herein sought to prevent such discovery and obtained an ex-parte order preventing the taking of said deposition and production of documents until the return date of this motion or until the time a decision is made on this motion.

16. As a result of defendants' actions in seeking and obtaining a delay of the discovery sought by plaintiffs have prevented plaintiffs from obtaining information necessary to respond to this motion.

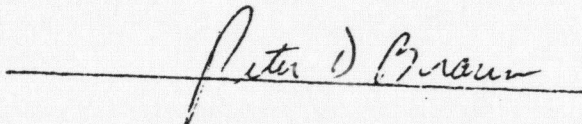
17. In particular, among others, plaintiffs have been prevented from obtaining through discovery information on the operation and design of the PERT Dial-a-Bus system, the status of any applications pending before the Department of Transportation and/or the Urban Mass Transportation Administration, the report studies and recommendations of the use, routes, operation and maintenance of the 4 wheelchair-accessible vehicles used by RTS, the transcript of the public hearing on the applications currently pending before the Urban Mass Transportation Administration, all correspondence between RGRTA and RTS with agencies of the federal government relating to the applications for UMTA funds, and the contracts for the buses purchased with UMTA funds.

18. On information and belief plaintiffs Donna Leary and James Leary are the president and treasurer respectively of Phoenix Unlimited, and are authorized under New York Law to maintain this action on behalf of its members.

WHEREFORE, deponent prays that this Court may
defendants' action in all respects.


Marianne Arcusio

Sworn to before me this
13th day of September, 1976.



PETER D. BRAUN
Notary Public in the State of New York
MONROE COUNTY, N. Y.
Commission Expires March 30, 1977

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONNA LEARY, JAMES LEARY, BERNICE HENRIKSEN, MARY
JANE WAGNER, CHARLES SMITH, FRANCES AGNELLO,
JOSEPH PARELLA, WILLIE MATHIS, Individually and
on Behalf of all Others Similarly Situated;
PHOENIX UNLIMITED, an Unincorporated Association,

Plaintiffs,

-vs-

HETTY JEAN CRAPSEY, HAROLD A. SHAY, JAMES WHITE,
JOHN J. PETROSSI, DWIGHT VAN DE VATE, THOMAS E.
McGRATH, ROBERT D. WATERMAN, WILLIAM E. HANSON,
Individually and in Their Official Capacity as
Commissioners of the Rochester-Genesee Regional
Transportation Authority; JOHN GARRITY, Individ-
ually and in His Official Capacity as Resident
Manager of the Regional Transit Service, Inc.;
WILLIAM T. COLEMAN, JR., Individually and in His
Capacity as Secretary of the United States Depart-
ment of Transportation; ROBERT E. PATRICELLI, In-
dividually and in His Capacity as Administrator of
the United States Urban Mass Transportation Admin-
istration; and their Agents, Employees, Successors
in Office, Assistants and all Persons Acting in
Concert or Cooperation with them or at their Direc-
tion or Under Their Control,

Defendants.

:AFFIDAVIT IN
:OPPOSITION TO
:MOTION TO
:DISMISS OR IN
:THE ALTERNATIVE,
:FOR SUMMARY
:JUDGMENT

STATE OF NEW YORK)
COUNTY OF MONROE) ss:
CITY OF ROCHESTER)

DONNA LEARY, being duly sworn, deposes and says:

1. I am one of the Plaintiffs' in the above-captioned
action and make this affidavit in opposition to Defendants'
Crapsey, Shay, White, Petrossi, Van De Vate, McGrath, Waterman,
Hanson and Garrity Motion to Dismiss, or in the alternative, for
Summary Judgment.

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2. Specifically, I shall respond to the allegations regarding the "Elderly and Handicapped Committee" found on pages 15 and 16 of Howard Gates' Affidavit submitted in support of said Defendants' motions.

3. From its inception in January, 1972, I have been a member of the Committee for Transportation Needs of the Elderly and Handicapped, which has met less than twenty times in approximately four and one-half years.

4. Although I desired to attend every meeting of the Committee, I was only able to attend approximately three meetings because the meetings were held during the weekday lunch hour, and, as I am confined to a wheelchair, I could not obtain transportation to the meeting place.

5. In order that I might be able to attend more Committee meetings I requested of Hetty Jean Crapsey, a member of the Committee and a Commissioner of the Transportation Authority:

1) that some means of transportation be provided so that I might attend the meetings, or 2) that the meetings be held after work hours, when I would be able to provide my own transportation to them.

6. Transportation to the lunch hour meetings was never provided and my requests for later meetings were continually voted down by a majority of the members of the Committee.

7. Even though I was not able to attend a majority of the meetings, I still kept abreast of the events taking place at the meetings by reading the minutes and speaking with various members of the Committee.

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8. Having spoken with various Committee members, I am informed that there has never been significant, if any, handicapped representation at most of the Committee meetings.

9. Other than myself, only two other physically handicapped Committee members ever attended Committee meetings. Upon information and belief, the other two members, namely Joseph Parella and Mary Jones attended very few meetings, also because no transportation was available to them. Mr. Parella and Mrs. Jones, upon information and belief, could have obtained transportation to later meetings.

10. The great majority of the Committee membership consisted of representatives of community agencies involved in the rehabilitation and treatment of the elderly and/or handicapped and employees or commissioners of the Rochester Genesee Regional Transportation Authority.

11. The powers of the Committee have been and now are almost null. In fact, the substance of the business transacted at the meetings consists of the informing of the members of the Committee of decisions reached by the Transportation Authority. At most, the Committee had the ability to advise the Transportation Authority, but had no influence whatsoever as to any Transportation Authority decisions to be made.

12. In conclusion, I believe that the Committee for Transportation Needs of the Elderly and Handicapped has been a sham and a token in that: 1) it has never made good faith efforts to solicit the opinions of the handicapped community,

2) it has no real power to influence the decisions of the Rochester Genesee Regional Transportation Authority.

Donna Leary
DONNA LEARY

Sworn to before me this

16th day of September, 1976.

Marianne Artusio

MARIANNE ARTUSIO
Notary Public in the State of New York
MONROE COUNTY, N. Y.
Commission Expires March 30, 1977

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

DOONA LEARY, et al.,

Plaintiffs,

vs.

HETTY JEAN CRAPSEY, et al.,

Defendants.

Civil Action No. 76-235

MOTION TO DISMISS, OR, IN THE
ALTERNATIVE, FOR SUMMARY JUDGMENT
ON BEHALF OF WILLIAM T. COLEMAN, JR.,
SECRETARY OF TRANSPORTATION AND
ROBERT E. PATRICELLI, URBAN MASS
TRANSPORTATION ADMINISTRATOR

Defendant William T. Coleman, Jr., in his official capacity as Secretary of Transportation and defendant Robert E. Patricelli, in his official capacity as Urban Mass Transportation Administrator (hereinafter called "Federal defendants"), jointly move the court for dismissal of this action pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, or, in the alternative for summary judgment in their favor pursuant to Rule 56(c) of the Federal Rules of Civil Procedure, for the following reasons:

1. This court lacks jurisdiction of the subject matter of this action; and

2. The Complaint fails to state a claim upon which any relief can be granted against the Federal defendants; and

3. The doctrine of primary jurisdiction applies, making dismissal appropriate until the Federal agencies involved have resolved the matters at issue administratively; and

4. There is no genuine issue between the plaintiffs and the Federal defendants as to any material fact and the Federal defendants are entitled to judgment as a matter of law.

In support of this motion, the Federal defendants tender and ask leave to file the Affidavit of Charles F. Bingham with attachments.

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation,
and ROBERT E. PATRICELLI,
Urban Mass Transportation
Administrator, by counsel

RICHARD J. ARCARA
United States Attorney

Of Counsel:

JOSEPH A. BLUNDON
Assistant Chief Counsel

ROBERT W. BATCHELDER
Attorney-Advisor

GLENN F. WASSERMAN
Attorney-Advisor

Urban Mass Transportation
Administration
400 7th Street, SW.,
9320 Nassif Building
Washington, D.C. 20590

GERALD J. HOULIHAN
Assistant United States Attorney

United States Court House
100 State Street
Rochester, New York 14614

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

DONNA LEARY, et al.,

Plaintiffs,

vs.

HETTY JEAN CRAPSEY, et al.,

Defendants.

Civil Action No. 76-286

AFFIDAVIT OF CHARLES F. BINGMAN
ACTING URBAN MASS TRANSPORTATION ADMINISTRATOR

District of Columbia, to wit:

This day before the undersigned Notary Public in and for the District of Columbia personally appeared Charles F. Bingman, who, being by me first duly sworn according to law, did on his oath depose and say as follows:

1. That the affiant is the Deputy Administrator and acting Urban Mass Transportation Administrator of the United States of America, and has official knowledge of all of the matters and things hereinafter set forth; and

2. That all of the powers and functions of the Secretary of Transportation under the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. §§1601 et seq.) ("the UMT Act") and other statutes authorizing Federal financial assistance to mass transportation have been delegated to the Urban Mass Transportation Administrator by the Secretary (49 C.F.R. §1.51); and

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3. That, in his capacity as Urban Mass Transportation Administrator, the Administrator's predecessor, Frank C. Herringer, on February 11, 1975, approved a grant under section 3 of the UMT Act (49 U.S.C. §1602) to Regional Transit Service, Inc., Rochester, New York ("RTS") in the amount of \$2, 495,560 for an urban mass transportation capital improvement project, Project No. NY-03-0064, consisting of the purchase of 27 new 49-passenger suburban-type buses, 19 new standard size (45-53 passenger) transit buses, 3 supervisory vehicles, and 3 maintenance service vehicles. (A certified copy of the Approval Memorandum in which the Administrator approved this grant with supporting documents is submitted herewith as Attachment 1, and made a part of this affidavit); and

4. That, on March 3, 1975, a Grant Contract bearing Project No. NY-03-0064 was duly entered into by and between the Urban Mass Transportation Administration ("UMTA") and RTS. (A certified copy of this Grant Contract is submitted herewith as Attachment 2, and made a part of this affidavit); and

5. That, on October 3, 1975, the Administrator approved the

request of RTS for a technical amendment to Project NY-03-0064 by which the purchase of 3 supervisory and 3 maintenance vehicles was deleted and the funds which were to have been used for such purchase were authorized to be used to cover the cost of a budget overrun in the purchase of the new 49-passenger buses referred to above in paragraph 3 of this affidavit. (A certified copy of the Approval Memorandum in which the Administrator approved this technical amendment is submitted herewith as Attachment 3, and made a part of this affidavit); and

6. That, on October 10, 1975, an Amendatory Agreement bearing Project No. NY-03-0064 was duly entered into by and between UMTA and RTS (a certified copy of this Amendatory Agreement is submitted herewith as Attachment 4, and made a part of this affidavit); and

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7. That the specifications for the project buses as prepared by [redacted] and concurred in by UMTA require the provision of the following special features and equipment designed to make such buses more readily and safely useable by elderly and physically handicapped persons:

- Kneeling devices to lower the front steps four to six inches when passengers board or alight the bus (this feature was included only on the 19 new diesel transit buses).
- Non-skid surfaces on aisles and stepwells.
- Vertical stanchions from floor to ceiling at aisle rear corner of entrance stepwell, aisle front and rear corners of exit stepwell, and aisle rear of driver's seat.
- Vertical stanchion at front corner of exit stepwell, adjacent to body side from front side of stepwell to door header.
- Sloping grab rails on both entrance doors and at front edge of exit stepwell.
- Special lights in entrance and exit stepwells to illuminate stepwell and adjacent curb area.
- Power assisted exit door interlocked to accelerator and brakes to prevent bus from moving when elderly or handicapped person is alighting; and

8. That, pursuant to section 3(d)(1) of the UMT Act (49 U.S.C. §1602(d)(1)), RTS held a public hearing on April 15, 1974, after prior notice in newspapers of general circulation in the area served by RTS, to give all interested persons an opportunity to present their views on the economic, social, or environmental effects of the proposed project (NY-03-0064), and the transcript of that public hearing shows that neither the plaintiffs nor anyone representing their interests appeared to present their views (a certified copy of the transcript of the public hearing of April 15, 1974, is submitted herewith as Attachment 5, and made a part of this affidavit); and

9. That UMTA currently has under consideration an urban mass transportation capital assistance application, Project No. NY-05-0003, under section 5 of the UMT Act (49 U.S.C. §1604) which, if approved would provide assistance to the Rochester-Genesee Regional Transportation Authority ("RGRTA") and RTS for the purchase of 23 new 53-passenger transit buses and 5 new 49-passenger suburban-type buses to replace older buses currently in operation; and

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10. That UMTA currently has under consideration an urban mass transportation capital assistance application which would amend Project No. NY-03-0064, above referred to, under section 3 of the UMT Act (49 U.S.C. §1602), and if approved, would provide assistance to RGRTA and RTS for the purchase of 7 new 49-passenger suburban-type buses, 5 small buses for operation in demand-responsive service, and 24 bus shelters; and

11. That no final decision has yet been made on the approval of the two applications last above referred to, and a decision will not be made until certain questions regarding the urban mass transportation planning process in the Rochester area have been satisfactorily resolved between UMTA, RGRTA, the Genesee Transportation Council and the Genesee/finger Lake Regional Planning Board;

12. That section 16(a) of the UMT Act (49 U.S.C. §1612(a) requires "...that special efforts ...be made in the planning and design of mass transportation facilities and services so that

availability to elderly and physically handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal Programs offering assistance in the field of mass transportation...should contain provisions implementing this policy;" and

13. That section 16(b) of the UMT Act (49 U.S.C. §1612(b)) authorizes, but does not require, the setting aside and use of up to 2 percent of the total amount of obligations authorized to be incurred for urban mass transportation capital assistance under section 4(c) of the UMT Act (49 U.S.C. §1603(c)) exclusively to finance the provision of mass transportation services to meet the special needs of elderly and handicapped persons, pursuant to which the Administrator has allocated and set aside approximately 2 percent of the funds authorized to be obligated under section 4(c) for special projects to provide mass transportation service to the elderly and physically handicapped in the several States, as more particularly shown in the apportionment schedules appended hereto as attachment 6 and made a part of this Affidavit; and

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14. That, as part of a program of research, development and demonstration projects, UMTA is carrying on a major project known as "TRANSBUS," at an estimated total cost of \$27,000,000 designed to develop a new generation of buses for general use in urban mass transportation service in the United States pursuant to which three prototype standard size diesel transit buses, each designed and equipped to accomodate passengers confined to wheelchairs, have been developed and built, and demonstrated and tested in actual service in four major cities (Miami, New York, Kansas City (Mo.) and Seattle) to determine their safety, reliability, economy and acceptability and attractiveness to all segments of the public, including the elderly and the physically handicapped; and

15. That, for the purpose of implementing the policy set forth in section 16(a) of the UMT Act (49 U.S.C. §1612(a)), after issuance and publication in the Federal Register of a Notice of Public Meetings (39 Fed. Reg. 39901; Nov. 12, 1974), after issuance and publication in the Federal Register of a Notice of Proposed

Rulemaking (40 Fed. Reg. 8314; Feb. 26, 1975), after six public hearings thereon in various parts of the United States, and after review and consideration of 324 comments thereon, the Administrator has, for the purpose of implementing the policy set forth in section 16(a) of the UMT Act, section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794), and other pertinent statutes, issued and caused to be published in the Federal Register a Final Regulation (41 Fed. Reg.; April 30, 1976) which sets forth standards, guidelines, and procedures to be followed by UMTA and its grantees in providing Federally-assisted mass transportation service to the elderly and the physically handicapped, including those who are nonambulatory wheelchair-bound and those with semiambulatory capabilities (a copy of this Final Regulation is submitted herewith as Attachment 7 and made a part of this Affidavit; and

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16. That, at the time of concurrence by UMTA in the specifications prepared by RTS for the project buses above referred to, prior to advertisement for competitive bids for the purchase thereof, and at the time when the original grant and the amendment above referred to were approved, no manufacturer in the United States produced a standard size diesel transit bus equipped to allow passengers confined to wheelchairs to board, ride and alight with safety for themselves and other passengers. However, UMTA in its Final Regulations on mass transportation for the elderly and physically handicapped (Attachment 7) included a requirement that new buses to be acquired with Federal financial assistance must, after a date which was to be set by UMTA, offer wheelchair accessibility packages (including lifts or ramps) which transit properties may order as an option; and

17. That, after a further public hearing on May 5, 1976, pursuant to a Notice duly published in the Federal Register (41 Fed. Reg. 15735; April 14, 1976), after review of numerous

comments presented by interested parties, the Administrator has issued and caused to be published in the Federal Register a statement entitled "UMTA POLICY STATEMENT ON TRANSBUS" (41 Fed. Reg. 32286; Aug. 2, 1976) which sets forth UMTA's position on a number of bus procurement issues, and which establishes that the wheelchair accessibility option requirement contained in the Final Regulations would be effective on February 15, 1977 (a copy of this statement is submitted herewith as Attachment 8 and made a part of this Affidavit); and

18. That none of the Federal assistance provided to RTS under Project No. NY-03-0064 or, if approved, Project No. NY-05-0003 and Project NY-03-0064 will be financed out of the \$400,000,000 appropriated to liquidate contractual obligations incurred under authority of the UMT Act by the Department of Transportation and Related Agencies Appropriations Act, 1975 (Pub. L.93-391; August 28, 1974; 88 Stat. 768) and therefore section 315 of that Act does not apply to these projects.

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Charles F. Bingman
Charles F. Bingman
Urban Mass Transportation
Administrator

Taken, subscribed and sworn to by Charles F. Bingman before
me this 14 day of September, 1976.

James J. Seal
Notary Public
District of Columbia

My Commission Expires May 31, 1977.

Memorandum

DATE: FEB 7 1975

In reply
refer toSUBJECT: APPROVAL - Urban Mass Transportation
Capital Grant Project No. NY-03-0064FROM : Associate Administrator
Office of Capital Assistance

TO : Administrator

1. Applicant - Regional Transit Service, Inc., Rochester, New York.2. Project - The project consists of the following:

a. 27 new 49-passenger suburban type air-conditioned buses	\$1,620,000
b. 19 new 45-53 passenger air-conditioned diesel transit buses	1,045,000
c. 3 supervisory vehicles	10,000
d. 3 maintenance service vehicles	44,450
e. Contingencies (10%)	<u>400,000</u>
Estimated Gross Project Cost	\$3,119,450
Less Revenue Financing	-0-
ESTIMATED NET PROJECT COST	<u>\$3,119,450</u>
Federal Grant (80%)	\$2,495,560
Local Share (20%)	\$623,890

More detailed cost information and cash drawdown requirements can be found in the project budget. As a result of the project 46 buses with an average age of 15 years will be replaced; no proceeds from the sale of the equipment are anticipated. Should the Regional Transit Service realize any proceeds from the sale of such equipment, those funds will revert to the project.

No portion of the project's cost can reasonably be financed through transit revenues or private assistance since the RTS is currently incurring a deficit of approximately \$3,000,000 per year. The State of New York pays \$2,000,000 of that deficit and Monroe County will cover the remaining \$1,000,000 deficit. Projections indicate a 12-15 million dollar deficit over the next five years. The local share of the capital grant will be provided by the mortgage tax in the four member counties and from funds donated by the State of New York.

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3. Project Evaluation - The Regional Transit Service, Inc., rates a total of 256 buses over 824 route miles serving a population in excess of 720,000 people. A full and accurate description of the Regional Transit System, Inc. is contained under the heading Public Transportation System in the Approval Memorandum for NY-03-0037, dated May 22, 1974. In addition to this project, UMTA has approved a total of \$10,543,952 in Federal funds to assist in the construction of a maintenance facility to serve the RTS system.

This project will provide a total of 46 new buses to the Regional Transit Service, Inc. The buses will replace 14 to 18 year old buses now in service and will not increase the size of the current fleet.

A total of 27 of the new buses are suburban type buses which will replace 7 old suburban buses and 20 old transit buses now being used in the park-and-ride express service. There are a total of 40 buses in the express service operating over 6 radial routes from the CBD into Monroe, Livingston and Ontario County.

The express bus fleet consists of 13 late model suburban buses and the 27 old buses which are to be replaced. When this project is concluded, all 40 express service buses will be the suburban type buses best suited for express commuter service. The success of the park-and-ride express service was instrumental in the reversal of the downward trend in ridership experienced in Rochester in January 1974.

The project also provides for 19 new 45-53 passenger buses which will replace 19 old transit buses ranging in age between 13 and 18 years. The acquisition of new transit buses is a part of the RTS replacement schedule for old and antiquated equipment and is consistent with the areawide transit development program.

This project constitutes the first year of a four year program to provide a total of 115 replacement buses. The upgrading of the fleet is of particular importance in the RTS program of continuing the present trend of increasing ridership. The new buses will also provide a substantial relief to the RTS by eliminating many of the maintenance problems inherent with the operation of old and antiquated equipment.

Regional Transit Service, Inc. has aggressively sought to provide solutions to the transportation problems of the elderly and handicapped citizens of Rochester and Monroe County. In particular they have provided for special considerations of the needs of the elderly and handicapped in the procurement of equipment. Examples of those amenities are stanchions and grab rails not normally specified in procurements as well as alterations of steps designed to ease entry and exit of transit vehicles by elderly or handicapped persons. The Regional Transit Service, Inc. also provides special off-peak reduced

fare for senior citizens and a demand responsive service at present limited to a demonstration area. The RTS plans to expand the dial-a-bus concept service in the near future. Although not totally dedicated to the elderly and handicapped, this service does provide them with a further instrument of mobility previously not enjoyed.

Although the application meets the full requirements for approval of a two-year program, we recommend funding a one-year program of 46 buses from Section 3 funds. Based on projected subsidy and capital requirements for next year, it appears likely that the remaining 23 buses applied for can be financed from Section 5 funds.

4. Recommendation - I recommend approval of this project. Funds in the maximum amount of \$2,495,560 have been reserved under the contract authority provisions of the 1970 amendments to the Urban Mass Transportation Act of 1964, as amended. The required legal and administrative findings are included in the Project Findings and Determinations attachment which is herein incorporated by reference and made a part of the Approval Memorandum.

Jerome C. Premo
Jerome C. Premo

Attachments

APPROVED:

Frederic C. Loring

Administrator

Date

2/11/75

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PROJECT FINDINGS & DETERMINATIONS

1. Pursuant to Section 3(a) of the Act, there is an ample basis for the determination that the applicant has or will have:

(1) the legal, financial, and technical capacity to carry out the proposed project; and

(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.

2. In accordance with Section 3(d) of the Act, the applicant has submitted a certification to the effect that it:

(1) has afforded an adequate opportunity for public hearings pursuant to adequate prior notice, and has held such hearings unless no one with a significant economic, social, or environmental interest in the matter requests a hearing;

(2) has considered the economic and social effects of the project and its impact on the the environment; and

(3) has found that the project is consistent with official plans for the comprehensive development of the urban area.

3. Pursuant to Section 3(e) of the Act there is adequate justification for the finding that the grant assistance to be extended 1) is essential to a program, proposed or under active preparation, for a unified or officially coordinated urban transportation system as part of the com-

prehensively planned development of the urban area, (2) that such program to the maximum extent feasible provides for the participation of private mass transportation companies, (3) just and adequate compensation will be paid to such companies for acquisition of their franchises or property to the extent required by applicable State or local law.

4. Pursuant to Section 4(a) of the Act, it is determined that the facilities and equipment for which the assistance is sought are:

(a) needed for carrying out a program for a unified or officially coordinated urban transportation system as a part of the comprehensively planned development of the urban area;

(b) necessary for the sound, economic, and desirable development of such area;

(c) part of a program which encourages to the maximum extent feasible the participation of private enterprise.

5. There is ample basis, pursuant to engineering studies, studies of economic feasibility, and data showing the nature and extent of expected utilization of the facilities and equipment, for the determination of "Net Project Cost."

6. Pursuant to Section 14(c) of the Act, it is determined that;

(1) an adequate opportunity was afforded for the presentation of views by all parties with a

significant economic, social, or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located; and

(2) no adverse environmental effect is likely to result from the project as described herein, or there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect.

7. The applicant has made the certification required by Section 164 (a) and (b) of the Federal-Aid Highway Act of 1973, and such certification will be made a part of the contract for assistance.

8. Labor Determination-The Department of Labor has specified by letter the grant contract provisions necessary to comply with Section 13(c) of the Act. The Secretary of Labor has determined that fair and equitable arrangements have been made to protect the interest of employees affected by this assistance, as required by Section 13(c) of the Urban Mass Transportation Act of 1964, as amended. Such arrangements will be incorporated in the contract for assistance when executed.

Supportive Findings

Capital Grant Guidelines -The project has been reviewed in light of the capital grant guidelines and the information contained in the application is sufficient to qualify the project for approval.

Comprehensive And Transportation Planning-In accordance with OMB circular A-95 and Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, the application has been submitted to the appropriate State and regional agencies by the applicant. Favorable comments from these agencies have been received and are a part of the project file.

The Office of Transit Planning, on the basis of its review of the status of planning in the urban area, advises in the attached memorandum that comprehensive and transportation planning and programming requirements have been met.

Environmental Protection Agency's Pollution Requirements- In projects involving the purchase of rolling stock vendors of motor vehicles will be required to provide a warranty of compliance with the air pollution criteria established by the Environmental Protection Agency.

Land Acquisition And Relocation -The applicant has provided assurances that it will comply with the provisions of the Uniform Relocation Assistance and Real Property Policies Act of 1970 in projects involving land acquisition and relocation of families, individuals, business concerns or non-profit organizations.

CIVIL RIGHTS REVIEW

The Office of Civil Rights has reviewed and concurs in the application.

Carmen R. Turner

for Harold B. Williams
Director, Office of Civil Rights

FUND PREVALIDATION

Funds in the amount of \$2,495,560
have been prevalidated for Project No. NY-03-0064

Willie F. Scroggins 1/23/75
Willie F. Scroggins, Chief
Accounting Branch

OPINION OF COUNSEL

I have reviewed the application, exhibits, correspondence and other documents in the files pertaining to this project, and I am of the opinion that both the applicant and the project are legally eligible for the grant assistance proposed to be extended.

I have also reviewed this Approval Memorandum and I am of the opinion that all of the discretionary findings and determinations required by the Act as a prerequisite to grant approval have been made and are supported by adequate legal documentation.

J. A. Muntz
Sallyanne Payton
Chief Counsel

State of New York }
COUNTY OF MONROE } SS.
CITY OF ROCHESTER }

**NOTICE OF
PUBLIC HEARING**

**RE: PURCHASE OF ONE HUNDRED
FIFTEEN TRANSIT BUSES AND
SEVENTEEN SERVICE VEHICLES**

Notice is hereby given that a public hearing will be held by the Regional Transit Service, Inc. (RTS), at 1372 East Main Street, Rochester, New York, at 2:00 P.M. on Monday, April 15, 1974, for the purpose of considering a project for which financial assistance is being sought from the Urban Mass Transportation Administration, pursuant to the Urban Mass Transportation Act of 1954, as amended, generally described as follows:

A. Description of Project:

1. The purchase, over a 5 year period, of 115 public transit buses of various types and 17 service vehicles.

2. The buses and service vehicles will be utilized by RTS in its mass transit operations in and around the City of Rochester, New York.

3. Estimated project cost:

Federal share \$4,500,000
Local contribution \$1,200,000
Total net project \$5,700,000

The local share of the project cost will be provided on behalf of RTS by the Rochester-Geneese Regional Transportation Authority from a portion of the funds derived by the Authority from its share of the mortgage tax under Section 253 of the Tax Law.

B. Relocation:

No persons, families or businesses will be displaced by this project.

C. Environment:

The proposed project will not have a significant environmental impact upon the urban area.

D. Comprehensive Planning:

This project is in conformance with comprehensive land use and transportation planning in this area. RTS shall submit this project to the A-95 Clearinghouse and 224 Review Agency for their comments.

E. Elderly and handicapped:

The project will take into consideration the special needs of the elderly and physically handicapped persons. Step risers shall be provided to eliminate any overhanging step tread and additional diagonal grab rails will be installed.

At the hearing, the RTS will afford an opportunity for interested persons or agencies to be heard with respect to the social, economic and environmental aspects of the project. Interested persons may submit orally or in writing evidence and recommendations with respect to said project.

A copy of the application for a federal grant for the proposed project, together with an environmental analysis and the transit development plan for the area, is currently available for public inspection at the Regional Transit Service, Inc., 1372 East Main Street, Rochester, New York.

REGIONAL TRANSIT
SERVICE, INC.

By Thomas E. McGrath,
President

EL-Mar. 14-11-DRC & TU

William A. Spellicy

being duly sworn, deposes and says

that she is principal clerk in the office of the ROCHESTER DEMOCRAT & CHRONICLE a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

March 14, 1974

William A. Spellicy

Sworn before me this 4th

day of April 1974 }

JEANETTE M. HEFNER

Notary Public in and for the State of New York

My Commission Expires March 31, 1976

NOTARY PUBLIC

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State of New York
COUNTY OF MONROE } SS.
CITY OF ROCHESTER }

NOTICE OF
PUBLIC HEARING

RE: PURCHASE OF ONE HUNDRED
FIFTEEN TRANSIT BUSTS AND
SEVENTEEN SERVICE VEHICLES

Notice is hereby given that a public hearing will be held by the Regional Transit Service, Inc. (RTS), at 1372 East Main Street, Rochester, New York, at 2:30 P.M. on Monday, April 15, 1974, for the purpose of considering a project for which financial assistance is being sought from the Urban Mass Transportation Administration, pursuant to the Urban Mass Transportation Act of 1964, as amended. Generally described as follows:

A. Description of Project:

1. The purchase, over a 5 year period, of 115 public transit buses of various types and 17 service vehicles.
2. The buses and service vehicles will be utilized by RTS in its mass transit operations in and around the City of Rochester, New York.
3. Estimated project cost:

Federal share	\$4,000,000
Local contribution	\$1,700,000
Total net project	\$5,700,000

The local share of the project cost will be provided on behalf of the City of Rochester-Geneseo Regional Transportation Authority from a portion of the funds derived by the Authority from its share of the mortgage tax under Section 253 of the Tax Law.

B. Relocation:

No persons, families or businesses will be displaced by this project.

C. Environment:

The proposed project will not have a significant environmental impact upon the urban area.

D. Comprehensive Planning:

This project is in conformance with comprehensive land use and transportation planning in this area. RTS shall submit this project to the A-95 Clearinghouse and the Review Agency for their comments.

E. Elderly and Handicapped:

The project will take into consideration the special needs of the elderly and physically handicapped persons. Step risers shall be covered to eliminate any overhanging step tread and additional diagonal grab rails will be installed.

At the hearing, the RTS will afford an opportunity for interested persons or agencies to be heard with respect to the social, economic and environmental aspects of the project. Interested persons may submit orally or in writing evidence and recommendations with respect to said project.

A copy of the application for a federal grant for the proposed project, together with an environmental analysis and the transit development plan for the area, is currently available for public inspection at the Regional Transit Service, Inc., 1372 East Main Street, Rochester, New York.

REGIONAL TRANSIT
SERVICE, INC.

By Thomas E. McGrath,
President

EL-Mar. 21 & Apr. 4-31-DLC

William A. Spellicy

being duly sworn, deposes and says

that she is principal clerk in the office of the ROCHESTER DEMOCRAT & CHRONICLE a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

March 21, April 4, 1974

William A. Spellicy

Sworn before me this 4th

day of April 1974

JEANETTE M. HEHIR

Notary

Jeanette M. Hehir
NOTARY PUBLIC

.....

PUBLIC HEARING

on

RE: APPLICATION TO URBAN MASS TRANSPORTATION ADMINISTRATION -
PURCHASE OF ONE HUNDRED FIFTEEN TRANSIT BUSES AND
SEVENTEEN SERVICE VEHICLES

Conducted by REGIONAL TRANSIT SERVICE, INC.

.....

Public Hearing held in the Board Room of the REGIONAL TRANSIT SERVICE,
INC., 1372 East Main Street, Rochester, New York, on April 15, 1974,
at 2:00 P.M.

IN ATTENDANCE: Officer & Director of REGIONAL TRANSIT SERVICE, INC.:

THOMAS E. McGRATH, President

Member of the staff of REGIONAL TRANSIT SERVICE, INC.:

JOHN A. GARRITY, Supt. of Transportation

Members of the staff of ROCHESTER-GENESEE REGIONAL
TRANSPORTATION AUTHORITY:

ROBERT P. AEX, Executive Director

MRS. MARY A. ALLEN, Executive Secretary

REPORTED BY:

MRS. MARY A. ALLEN
Executive Secretary
Rochester-Genesee Regional
Transportation Authority
1313 Crossroads Office Building
2 State Street
Rochester, New York 14614

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(Whereupon the Public Hearing in the before stated matter convened at 2:00 P.M., April 15, 1974.)

MR. McGRATH: This public hearing is hereby convened. The reading of the official notice of the public hearing will be carried out by Mr. John A. Garrity, Supt. of Transportation of the Regional Transit Service, Inc.

MR. GARRITY: The following public notice appeared in the Rochester Times-Union and Democrat & Chronicle -- newspapers of general circulation both in the City of Rochester and the area affected -- March 14 - 1 time -- D & C & T-U and March 21; April 4 - 2 times - D & C.

"Legal notice: Notice is hereby given that a public hearing will be held by the Regional Transit Service, Inc. (RTS), at 1372 East Main Street, Rochester, New York, at 2:00 P.M. on Monday, April 15, 1974, for the purpose of considering a project for which financial assistance is being sought from the Urban Mass Transportation Administration, pursuant to the Urban Mass Transportation Act of 1964, as amended, generally described as follows:

A. Description of Project:

(1) The purchase, over a 5 year period, of 115 public transit buses of various types and 6 service vehicles.

(2) The buses and service vehicles will be utilized by RTS in its mass transit operations in and around the City of Rochester, New York.

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(3) Estimated project cost:

Federal Share	\$4,800,000
Local Contribution	\$1,200,000
Total Net Project Cost	\$6,000,000

The local share of the project cost will be provided on behalf of RTS by the Rochester-Genesee Regional Transportation Authority from a portion of the funds derived by the Authority from its share of the mortgage tax under Section 253 of the Tax Law.

B. Relocation:

No persons, families or businesses will be displaced by this project.

C. Environment:

The proposed project will not have a significant environmental impact upon the urban area.

D. Comprehensive Planning:

This project is in conformance with comprehensive land use and transportation planning in this area. RTS shall submit this project to the A-95 Clearinghouse and 204 Review Agency for their comments.

E. Elderly and Handicapped:

The project will take into consideration the special needs of the elderly and physically handicapped persons. Step risers shall be covered to eliminate any overhanging step tread and additional diagonal grab rails will be installed.

At the hearing, the RTS will afford an opportunity for interested persons or agencies to be heard with respect to the social, economic and environmental aspects of the project. Interested persons may submit orally or in writing evidence and recommendations with respect to said project.

A copy of the application for a federal grant for the proposed project, together with an environmental analysis and the transit development plan for the area, is currently available for public inspection at the Regional Transit Service, Inc., 1372 East Main Street, Rochester, New York.
REGIONAL TRANSIT SERVICE, INC.

By Thomas E. McGrath, President

MR. McGRATH: You have heard the reading of the official notice.

Does anyone wish to be heard?

There being none, this meeting is adjourned at 2:09 P.M.

* * *

I, Thomas E. McGrath, President
hereby certify that the above is a true and correct copy of the Transcript of a Public Hearing in re: Application to Urban Mass Transportation Administration - Purchase of One Hundred Fifteen Transit Buses and Six New Service Vehicles, dated April 15, 1974, conducted by Regional Transit Service, Inc.

Date: 4/17/74

T. E. McGrath
President, REGIONAL TRANSIT SERVICE, INC.

/maa

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONNA LEARY, et al.,

Plaintiffs,

-vs-

HETTY JEAN CRAPSEY, et al.,

Defendants.

Civil Action
No. 76-286

SUPPLEMENTAL
AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF MONROE) SS.:

HOWARD W. GATES, being duly sworn, deposes and says:

1. I am the Acting Executive Director of the Rochester-Genesee Regional Transportation Authority ("R-GRTA") and make this supplemental affidavit in response to some of the assertions set forth in plaintiffs' attorney's affidavit in opposition to defendants' motion to dismiss or, in the alternative, for summary judgment.

2. Plaintiffs' attorney's affidavit suggests, contrary to the facts recited in my original affidavit and in the affidavit of the Acting Administrator of the United States Urban Mass Transportation Administration, that buses are presently available that have wheelchair lifts and tie-downs available as options. The affidavit attaches advertising literature of various manufacturers as evidence of this availability.

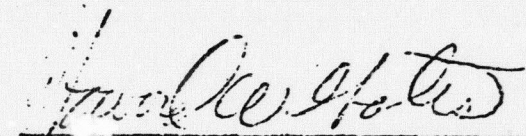
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3. There is no dispute that there are buses presently available that offer wheelchair lifts and tie-downs as available options. Indeed, R-GRTA presently uses such buses in its Dial-A-Ride Service, which is a demonstration demand-responsive program offered in only parts of Monroe County.

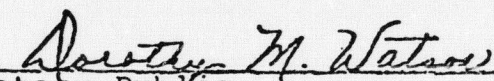
4. But the availability of such buses misses the point. Those buses are all small buses and are unsuited for use in regularly scheduled fixed-route line-haul service as it is presently operated by RTS. That sort of service requires the use of the larger conventional line-haul buses in order to be efficiently operated. Obviously, using buses only, for example, one-half the size of conventional line-haul buses presently used would mean that, in order to maintain the same level of service, RTS would have to double the number of runs and increase its labor force, both of maintenance workers and drivers. Some of the buses illustrated in the exhibits to plaintiffs' attorney's affidavit provide passenger seating of even less than one-half that of the presently used conventional line-haul buses.

5. It is respectfully submitted that the federal statutes and regulations simply do not mandate the use of a particular type of bus, any more than they mandate the abolition of fixed-route line-haul service in favor solely of demand-responsive service.

WHEREFORE, your deponent respectfully requests the relief initially prayed in defendants' motion.


Howard W. Gates

Sworn to before me this
27th day of September, 1976.


Notary Public

DOROTHY M. WATSON
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1977.

NOTARY PUBLIC
STATE OF NEW YORK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONNA LEARY, JAMES LEARY, BERNICE HENRIKSEN,
MARY JANE WAGNER, CHARLES SMITH, FRANCES AGNELLO,
JOSEPH PARELLA, WILLIE MATHIS, individually and on:
behalf of all others similarly situated; PHOENIX
UNLIMITED, an unincorporated association,

Plaintiffs,

-vs-

HETTY JEAN CRAPSEY, HAROLD A. SHAY, JAMES WHITE,
JOHN J. PETROSSI, DWIGHT VAN DE VATE, THOMAS E.
McGRATH, ROBERT D. WATERMAN, WILLIAM E. HANSON,
Individually and in their official capacity as
Commissioners of the Rochester-Genesee Regional
Transportation Authority; JOHN GARRITY, individ-
ually and in his official capacity as Resident
Manager of the Regional Transit Service, Inc.;
WILLIAM T. COLEMAN, JR., individually and in his
capacity as Secretary of the United States Depart-
ment of Transportation; ROBERT E. PATRICELLI, in-
dividually and in his capacity as Administrator
of the United States Urban Mass Transportation
Administration; and their agents, employees, suc-
cessors in office, assistants and all persons
acting in concert or cooperation with them or at
their direction or under their control,

Defendants.

AFFIDAVIT

CIVIL ACTION
#76-286

State of New York)
County of Monroe) ss:
City of Rochester)

Marianne Artusio, being duly sworn, deposes and says:

1. I am one of the attorneys for the plaintiffs
herein, and I make this affidavit in opposition to defendants'
motion for summary judgment.

2. Defendants in this action have asserted that no bus
manufacturer now manufactures a bus with a wheelchair lift option,

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suitable for regular service on fixed routes, on information and belief that assertion is incorrect.

3. In October 1976, I spoke with Mr. Dennis Cannon, the consultant on transportation needs for the handicapped to the Southern California Rapid Transit District.

4. Mr. Cannon informed me that in September 1976 the Southern California Rapid Transit District accepted a bid from a major U. S. bus manufacturer, AM General of Wayne, Michigan, for the purchase of 200 buses with wheelchair lifts, suitable for fixed route line haul service.

5. Mr. Cannon informed me that all 3 major U.S. bus manufacturers bid on the contract for the 200 buses.

6. Mr. Cannon informed me that these buses are to be standard-type buses, 40 feet in length, with a seating of 48 passengers, including 2 wheelchair places and wheelchair tie-downs. The buses are fully accessible to persons confined to wheelchairs. He further informed me that these buses are equipped with a hydraulic wheelchair lift, a kneeling feature and large doors to accommodate wheelchairs.

WHEREFORE, deponent prays that defendants' motion to dismiss the complaint or in the alternative for summary judgment be denied.

Dated: *December 17, 1976*

Marianne Artusio
Marianne Artusio

Sworn to before me
this 17th day of December, 1976

Ian C. DeWaal
IAN C. DEWAAL

NOTARY PUBLIC, State of N. Y., Monroe County

My Commission Expires March 30, 1978

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DOMA LEARY, JAMES LEARY, BERNICE HENRIKSEN,
MARY JANE WAGNER, CHARLES SMITH, FRANCES AGNELLO,
JOSEPH PARELLA, WILLIE MATHIS, Individually
and on behalf of all other similarly situated,
PHOENIX UNLIMITED, an unincorporated association,

Plaintiffs

- vs -

CIVIL 76-286

HETTY JEAN CRAPSEY, HAROLD A. SHAY, JAMES WHITE,
JOHN J. PETROSSI, DWIGHT VAN DE VATE, THOMAS E.
McGRATH, ROBERT D. WATERMAN, WILLIAM E. HANSON,
Individually and in their official capacity of
Commissioners of the Rochester-Genesee Regional
Transportation Authority; JOHN CARRITY,
Individually and in his official capacity as Resident
Manager of the Regional Transit Service, Inc.;
WILLIAM T. COLEMAN, JR., Individually and in his
capacity as Secretary of the United States Depart-
ment of Transportation, ROBERT E. PATRICELLI,
Individually and in his capacity as Administrator
of the United States Urban Mass Transportation
Administration; and their agents, employees, successors
in office, assistants and all persons acting in
concert or cooperation with them or at their
direction or under their control,

Defendants

Marianne Artusio
80 West Main Street
Rochester, N.Y. 14614
Attorney for plaintiffs

Harris, Beach, Wilcox, Rubin & Levy
2 State Street
Rochester, N.Y. 14614
Attorneys for defendants Crapsey, Shay, White,
Petrossi, VanDeVate, McGrath, Waterman,
Hanson and Carrity

Cerald J. Houlihan
Assistant United States Attorney
Attorney for William T. Coleman, Jr. and
Robert E. Patricelli

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The defendants Crapsey, Shay, White, Petrossi, VanDeVate, McGrath, Waterman, Hanson and Garrity move to adjourn the deposition of defendant Garrity, to enlarge Garrity's time to make a response to the request for documents contained in a notice to take deposition, and to enlarge Garrity's time to produce documents as requested in the notice to take deposition. The said defendants also move to dismiss the complaint or, in the alternative, for summary judgment.

The defendants Coleman and Patricelli move to dismiss the complaint or, in the alternative, for summary judgment in their favor.

The motions have been submitted on written memoranda.

Plaintiffs allege that they have each sustained damages by reason of the alleged unlawful activities of defendants and ask for compensatory and punitive damages, costs, and attorneys fees. The United States may not be sued for money damages unless it has expressly waived its sovereign immunity. Neither Section 16(a) of the EMT Act nor any of the other statutes relied on by the plaintiffs create a private cause of action for money damages against the United States or its officers to redress wrongs alleged

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to have occurred under those Acts. If there is jurisdiction in this court to entertain a suit of damages against the defendants Coleman and Patricelli, federal defendants, it would necessarily be based on either the Federal Tort Claims Act, 28 U.S.C. Section 1346(b) or the Tucker Act, 28 U.S.C. Section 1346(a)(2). This is not a claim under the Federal Tort Claims Act or under the Tucker Act.

Plaintiffs base their action in part upon two mass transportation grant applications which are currently under review by UMTA, but not approved. Until UMTA takes final action on those applications there is no final agency action within the meaning of the Administrative Procedure Act and thus no jurisdiction for this court to review these proposed projects for legal sufficiency. Review of the projects by this court would be premature and, until UMTA finally acts, this court has no jurisdiction to review the projects for legal sufficiency.

Plaintiffs are barred by laches and their failure to exhaust administrative remedies from objecting to Project Number NY-03-0064 now, when the project buses have been delivered and are in operation. A hearing was held by RTS on the total project April 15, 1974, following proper legal notice in newspapers of general circulation

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in the Rochester area. Despite timely notice of the hearing and despite specific reference in the notices of features for the elderly and handicapped, neither the plaintiffs nor anyone representing their interest appeared.

None of the statutes or constitutional provisions upon which plaintiffs rely require every federally assisted transit bus to be fully accessible to the mobility handicapped.

Plaintiffs rely on Section 16 of the Urban Mass Transportation Act of 1964 as amended, 49 U.S.C. Section 1612. Section 16 is merely a declaration of national policy. No private right to action is created. Section 16 does not require that all buses be equipped with wheelchair lifts and equipment or that all bus service be demand-responsive. R-GRTA's and RTS' efforts have fully complied with all requirements of the Act.

Plaintiffs also rely on Section 315 of the Department of Transportation and Related Agencies Appropriation Act of 1975, pub.l. 93-391. Section 315 is inapplicable.

Plaintiffs rely on the due process and equal protection clauses of the Fifth and Fourteenth Amendments to the United States Constitution. There is no invidious discrimination against mobility handicapped persons.

There is no violation of any federal statutory or constitutional provision. There is no violation of the Civil Rights Act.

All of the defendants are entitled to summary judgment dismissing the action in its entirety.

SO ORDERED.

Harold P. Burke

HAROLD P. BURKE
United States District Judge

March 31, 1977.

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United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

CIVIL ACTION FILE NO. 75-286

DONNA LEARY, et al.

vs.

HETTY JEAN CRAPSEY, et al.

JUDGMENT

This action came on for ~~trial~~ (hearing) before the Court, Honorable **Harold P. Burke**, United States District Judge, presiding, and the issues having been duly ~~heard~~ (heard) and a decision having been duly rendered,

It is Ordered and Adjudged **that all of the defendants are entitled to summary judgment dismissing the action in its entirety.**

Dated at Buffalo, New York
of April , 1977 .

, this 1st day

JOHN K. ADAMS

JOHN K. ADAMS

Clerk of Court

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